

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

RAUL-ARMANDO ROSCALA-BONILLA, Registration Number 14413

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Raul-Armando Roscala-Bonilla 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 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

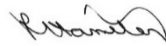
Telephone: (416) 968-3333
Facsimile: (416) 968-0325
Email: jbirenbaum@upfhlaw.ca

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: December 9, 2021



Rod Hamilton
Registrar
College of Physiotherapists of Ontario

TO: Raul-Armando Roscala-Bonilla

Statement of Allegations

1. At all material times Raul-Armando Roscala-Bonilla was a Registrant of the College of Physiotherapists of Ontario holding an Independent Practice certificate of registration.

2. In the period of January 2016 to May 2019, Raul-Armando Roscala-Bonilla 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 32 (submitting an account or charge for services that the member knows or ought to know is false or misleading);
 - e. paragraph 34 (charging a fee that is excessive in relation to the service performed);
 - f. paragraph 38 (failing to itemize an account for professional services if requested to do so by the patient or the person or agency who is to pay, in whole or in part, for the services); and
 - g. paragraph 40 (continuing the treatment of a patient where it is no longer indicated, has ceased to be effective or is unnecessary).

PARTICULARS OF THE ALLEGATIONS

1. At all material times Raul-Armando Roscala-Bonilla was a Registrant of the College of Physiotherapists of Ontario (the “College”), practicing at CommuniCare Therapy in South-Eastern Ontario and providing private services to individual clients.
2. In the period of October 2015 to January 2016, Raul-Armando Roscala-Bonilla provided in-home physiotherapy care to Patient A in the Registrant’s capacity as an employee with CommuniCare Therapy, contracted through the Local Health Integration Network (LHIN). Patient A was 71 years old at the time and had recently been discharged from hospital.
3. Following the episode of care through the LHIN, the Registrant continued to provide services to Patient A on a private basis.
4. Over the period of January 2016 to May 2019, Raul-Armando Roscala-Bonilla provided between 300 – 900 hours or more of care to Patient A, charging Patient A \$80 - \$100 an hour for the service. Patient A paid cash. The Registrant has no financial records or documentation with respect to invoicing Patient A, and having received payment from Patient A, for these services. The services included services which were not physiotherapy services.
5. The clinical records for Patient A failed to maintain the standards of practice of the profession, including in that:
 - i. Assessments lacked a clinical analysis of Patient A’s condition;
 - ii. Treatment goals were absent;
 - iii. Objective measures, such as strength and balance, were not assessed and/or documented;

- iv. Treatment plans were absent or inadequate and failed to record exercises prescribed and/or identify frequency/duration of treatment and expected outcome;
 - v. New symptoms were recorded without any re-assessment;
 - vi. Treatment continued for lengthy periods of time without improvement or documented reassessment;
 - vii. Discharge notes were absent.
6. The Registrant charged Patient A for services provided by the Registrant where there was no clinical record, including attendance record, relating to the service.
7. The Registrant failed to provide Patient A with invoices or receipts for the services, despite repeated requests by Patient A.
8. The Registrant failed to maintain professional boundaries with Patient A, including by failing to discharge Patient A from physiotherapy care when clinically indicated, failing to maintain appropriate emotional limits to avoid patient dependence in a home-care setting, failing to clearly separate physiotherapy care from any other services provided and billed, and failing to properly document all financial transactions with Patient A who was isolated and was vulnerable to financial or emotional abuse or exploitation.

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.