

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

BETWEEN:

COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

- and -

ZAFAR IQBAL MUSHTAQ AHMED SHAHBAD, Registration Number 18449

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Physiotherapists of Ontario has referred specified allegations against Zafar Iqbal Shahbad 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, no later than August 30, 2020, 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:

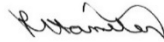
Ursel Phillips Fellows Hopkinson LLP
555 Richmond St. West, Suite 1200
Toronto, ON M5V 3B1

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: November 16, 2021



Rod Hamilton, Registrar
College of Physiotherapists of Ontario

TO: Andrew McKenna
Gowling WLG (Canada) LLP
Suite 2600, 160 Elgin Street
Ottawa ON K1P 1C3

Statement of Allegations

1. At all material times Zafar Iqbal Mushtaq Ahmed Shahbad (“Mr. Shahbad”) was a registered physiotherapist with the College of Physiotherapists of Ontario.

2. Between August 1, 2018 and June 30, 2019, Mr. Shahbad 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.

PARTICULARS OF THE ALLEGATIONS

1. At all material times, Mr. Shahbad was a physiotherapist registered with the College of Physiotherapists of Ontario. During the period of August 1, 2018 and June 30, 2019, Mr. Shahbad practiced physiotherapy on a part-time basis at Strolf Rehab Clinic in Toronto, Ontario (the “Clinic”).
2. In June 2019, a third-party insurer sent an undercover investigator (the “Investigator”) to the Clinic due to concerns that the Clinic was issuing invoices under the names and registration numbers of regulated health professionals employed by the Clinic, for services that were in fact personal training and were not physiotherapy (or other) regulated health services.
3. The Investigator received a complementary personal training session at the Clinic on June 6, 2019 and attended and paid for a subsequent personal training session on June 11, 2019. The Investigator inquired with the Clinic about whether they could receive a physiotherapy receipt for the June 11, 2019 session. They were told by the Clinic that they needed to first be assessed by a physiotherapist.
4. On June 24, 2019, the Investigator attended at the Clinic for a physiotherapy appointment with Mr. Shahbad. The Investigator advised Mr. Shahbad that they had no particular issues, that their goal was to get back in shape, and that they had attended for a physiotherapy assessment because they were told this was necessary to put personal training through their benefits plan.
5. Mr. Shahbad conducted an assessment of the Investigator for the purpose of identifying a musculoskeletal deficiency to justify and/or facilitate insurance coverage for personal training sessions.
6. Mr. Shahbad included in the “Chief Complaint” section of the assessment, information that the Investigator had not provided to the Registrant. This information was recorded in the patient chart for the purpose of justifying and/or facilitating insurance coverage for personal training sessions.

7. Following the assessment on June 24, 2019, the Clinic issued to the Investigator a receipt under Mr. Shahbad's name and registration number, for physiotherapy services provided on June 11, 2019, when the services were in fact personal training services and which in any event pre-dated any physiotherapy assessment.
8. Mr. Shahbad knew or ought to have known that the Clinic was issuing misleading and/or inaccurate and/or false invoices under his name and registration number.
9. Mr. Shahbad's clinical record of the assessment of the Investigator failed to maintain the standards of practice of the profession.
10. Mr Shahbad's diagnosis of the Investigator was not substantiated or justified by the clinical record of the assessment. The clinical record contained no treatment plan. Further and/or in the alternative any treatment plan that was developed was not adequately detailed or specific to the diagnosis.
11. Mr. Shahbad 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 Investigator's care.

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.