

College of Physical Therapists of British Columbia
Public Notice under s. 39.3 of the *Health Professions Act*

Ross McFadyen, Former Registrant

Location: Victoria, BC

Date of Action: November 24, 2020

Date of Action Ended: September 6, 2023

Limits, conditions and suspensions ordered by the Inquiry Committee under section 35(1) of the Health Professions Act (the “Act”), or by the Discipline Committee under section 38(8), are made to protect the public during an investigation, pending a hearing, or during a hearing. Measures taken under sections 35(1) or 38(8) of the Act pertained to matters which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee. Actions under sections 35(1) and 38(8) of the Act are subject to appeal by the registrant to the court.

Update: The Inquiry Committee made a disposition decision under s. 33(6)(c) and 36(1) of the Act to enter into a consent agreement. On completing its investigation into this matter, the Inquiry Committee determined that the limits/conditions noted below were no longer necessary to protect the public and cancelled the interim order on September 6, 2023.

Nature of Action: On November 24, 2020, a panel of the Inquiry Committee made an interim order, pursuant to section 35(1)(a) of the Act to impose limits or conditions on Mr. McFadyen’s practice of physical therapy. The limits or conditions came into effect on December 1, 2020, and were to remain in place until the Inquiry Committee disposed of the matter, or if it issued a citation, then pending a hearing of the Discipline Committee. The limits or conditions, briefly summarized, included:

- a. the registrant may not treat female patients in-person;
- b. the registrant may treat female patients virtually, with a chaperone;
- c. the registrant may treat male patients in a location subject to observation by another professional health provider;
- d. relevant limits or conditions, including any chaperone, must be disclosed to each patient at the time of booking;
- e. weekly reporting to the College; and
- f. random on-site audits.

Reasons: The College received a complaint that the former registrant engaged in non-therapeutic touching during a physical therapy treatment, which if proven, would constitute professional misconduct. The Inquiry Committee was satisfied that there was a prima facie case of professional misconduct as well as a real risk to the public, which required that the public be protected by an interim order during the investigation. The Inquiry Committee had previously taken action against the former registrant in two previous matters, each involving conduct of a similar nature. In respect of those prior matters, the former registrant signed consent agreements requiring, among other things, that he undertake to explain procedures that could be misinterpreted by clients as sexual misconduct. The Inquiry Committee was satisfied that the risk to the public would be protected in a sufficient and

proportionate manner through the imposition of practice limits and conditions as described above.

Important Note: The limits and conditions discussed herein relate to matters that are unproven, unless admitted by the Registrant or determined by the Discipline Committee.