

Discipline Case Summary

Mohammed Nazari, Licence # 1343

The Professional Conduct Committee received a written complaint dated May 24, 2023 (the “Complaint”) from an individual (the “Complainant”) who had attended the Member’s physical therapy clinic for treatment on May 10, 2023. The Complaint was thoroughly investigated by the Professional Conduct Committee (PCC).

The Member, upon meeting with the Complainant, asked where her name came from. The Complainant responded that she was from Kosovo. The Member asked the Complainant whether or not she liked Serbs. The Member was previously aware that there had been conflict in the region and pursued asking questions about the conflict despite the Complainant stating that she did not want to talk about it. The Complainant said she was made extremely uncomfortable with the nature of the conversation as it triggered unwelcome and disturbing memories of events that had happened to the Complainant and the Complainant’s family. The Complainant left the Member’s clinic as soon as possible, paid her bill and cancelled her future appointment.

The Member was given a copy of the Complaint and advised, amongst other things, to seek advice from his insurer and legal counsel. The Member was asked to provide a written response, as is the practice of the College of Physical Therapists, which he did. He acknowledged in his response that he asked the Complainant these questions.

The Professional Conduct Committee appointed one of its members as lead investigator who interviewed the Member by telephone. In the interview, the Member said he asked the Complainant one question, “How do you like Serbs?”, and that the Complainant’s response was “rude”. The Member made other unflattering comments to the lead investigator about the Complainant. The Member felt that he had not breached the professional conduct rules and that he hadn’t intended to make the Complainant uncomfortable.

The Professional Conduct Committee concluded that the Member’s intention was not relevant to the issue of whether his conduct was appropriate but did impact on

its decision about how the Complaint could be resolved. His conduct in asking the Complainant questions about sensitive personal issues unrelated to the provisions of physical therapy services, as alleged by the Complainant and acknowledged by the Member, constitutes a breach of the responsibilities of members of the profession as outlined in the *Code of Ethical Conduct* and, in particular, a breach of the Code's requirements that physical therapists must demonstrate sensitivity to individual clients and deal with them respectfully. Since compliance with the *Code of Ethical Conduct* is required by section 20 of the College's Regulatory Bylaws, the actions of the Member likely constitute professional misconduct as the term is defined in clause 23(c) of *The Physical Therapists Act, 1998*.

Clause 25(3)(h) of *The Physical Therapist Act, 1998* authorizes the Professional Conduct Committee, on the completion of its investigation, to require an investigated member to complete a specified continuing education or remediation program. Pursuant to that provision, the Professional Conduct Committee requested the Member to complete the following online programs and provide confirmation of their completion in writing to the Registrar of the Saskatchewan College of Physical Therapists on or before November 30, 2023:

1. Ethics, an e-learning course available through the College of Physiotherapists of Ontario; and
2. Trauma Informed Practice, an online program available through the Saskatchewan Health Authority (SHA) Levels 1 and 2, which are mandatory for all Physical Therapists working for the SHA.

The Member completed both these programs as of September 27, 2023.

On behalf of the Professional Conduct Committee Members:

Jennifer Aberhart, Chair

Emad Abdelmasseh

Amanda Paterson

Maira Stoll

Bonnie Yake

Christopher Sarsons