



College of  
Physiotherapists of  
Manitoba

# IN TOUCH

May Mini Spring  
Newsletter

## A NOTE FROM COUNCIL

Spring has arrived and summer is around the corner. This edition of *In Touch* will highlight information from this year's Annual General Meeting held on April 23, 2015. You will also find updates from the Complaints Committee, information from the Inquiry Panel and a message from the CPM office about renewal. Also, please read the information on volunteering for a CPM committee and all the benefits you will gain.

Leaving Council is Ken Grove, Fred Arrojado (public member) and Michael Millar who participated as a student member. We thank them for their contributions to Council and wish them the best with their future endeavors.

A special thank you to Tanya Kozera, who is also leaving Council after completing her term of office. Tanya has served as Chair of Council for two terms, as well as the Complaints Committee chairperson, Vice Chair of Council, Alliance representative, and President of the Canadian Alliance of Physiotherapy Regulators. We are very appreciative of all your knowledge, hard work and leadership you have brought. We wish you all the best with your future endeavors.

Happy reading and please stay tuned for the next edition of *In Touch*.

Respectfully Submitted by:  
Tania Giardini, member of Council

## FROM THE AGM COMMITTEE

Thank you to everyone who attended the 14th Annual General Meeting. We had a successful turn out with 108 registrants, 20 students, and 15 guests in attendance.

Feedback is always appreciated and considered in future planning of the AGM so thank you to those who completed the survey provided at the AGM. This year, 94% of people enjoyed the meal and 100% liked the Caboto Centre location; 94% preferred that the AGM be held on a week night and 85% were pleased with the annual report being provided electronically.

Our guest speaker, Tim Hague Senior, provided an inspiring talk on the "Strength and Courage to Persevere" which was well received by the audience with a 95% approval rating. A special thank you to Darcy Reynolds for presenting on the *Regulated Health Professionals Act* and Moni Fricke for her presentation on the Continuing Competence Program.

We look forward to seeing everyone at our next AGM in 2016!

Respectfully Submitted by:  
Natalie Swain, Chair AGM Committee

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## COMPLAINTS COMMITTEE

The Complaints Committee is a standing committee of the College of Physiotherapists of Manitoba that exists to protect the public interest by reviewing complaints lodged against registrants of the College. Once a complaint is received, the Committee reviews the complaint, may request a formal investigation, and renders a decision.

Current Committee members include Kelli Berzuk, Carly Erenberg, Kathy Johnson, Jo-Anne Peltz, Natalie Swain and Andrea Thiessen, and public members Clarence Clarke and Dennis Wray. We extend our sincere appreciation to Mike Davidson, a strong presence and engaged public member since 2011. Mike has completed his term with the Committee, and we wish him well in his future endeavors.

In 2014 the Complaints Committee addressed a total of fourteen complaints: five complaints were carried over from 2011-2013, and nine new complaints were received.

Of the new complaints received:

- four complaints were initiated by the registrar in relation to lapses in liability insurance
- two complaints alleged that physiotherapy treatment contributed to injury
- one complaint resulted from a burn caused by an IFC
- one complaint alleged treatment took place without the client giving informed consent
- one complaint alleged that inadequate treatment was provided

Many of these complaints required investigation, and we are grateful for the diligent work of College Investigators Heather Martin-Brown and Pamela Shymko.

A decision has been reached in thirteen of the fourteen complaints that the Complaints Committee addressed in the past year, and as of February 1, 2015 all but three complaints have been closed:

- in four cases no action was required
- four physiotherapists were censured
- two physiotherapists successfully completed the terms of practice agreements
- one complaint was referred to the Inquiry Panel

The Complaints Committee, with the support of the CPM office, has continued to work to ensure that its process fulfills its mandate to protect the public. In 2014 an environmental scan was done of physiotherapy regulators across Canada to explore the complaints process across the country. That information, along with information from other health care regulators in Manitoba, has been used by the Complaints Committee to establish standards about such things as publishing the identities of registrants who have been censured.

The decisions of the Complaints Committee are based on professional expectations set out in *The Physiotherapists Act*, CPM Practice Statements, and our Code of Ethics. All of these are accessible to every registrant, as well as to the public, on the College website. I continue to encourage every registrant to take time to review the Practice Statements relevant to your area of practice; they are reviewed and revised by the College on a regular basis, and may have been updated since you last read them.

Respectfully submitted by:

Andrea Thiessen, Chair Complaints Committee





## INQUIRY PANEL DECISION

The Inquiry Panel convened on November 24, 2014 for a hearing into charges against member, Lorraine Holmes.

Members of the Panel were Susan Bowman (chair), Annyue Wong, Mary Grimwood, Arthur Crane, Public Representative and Ed Hinsburg, Public Representative

The charges brought against Ms. Holmes by the patient's daughter were as follows:

- 1. On or about the 28<sup>th</sup> day of February, 2014 while treating “the patient”, using an interferential (IFC) machine, Lorraine Holmes failed to take precautions to prevent her from suffering a burn on her right posterior iliac crest.**

Ms. Holmes did not dispute that “the patient” had been burned as a result of the use of the IFC machine. The Panel heard that in 2011 Ms. Holmes had been involved in a similar incident that had also resulted in one of her patients suffering a burn following treatment by Ms. Holmes with an IFC machine. That episode resulted in Ms. Holmes entering into an agreement with the Complaints Committee which imposed various conditions on her, particularly with respect to her use of an IFC machine. At the time of her treatment of “the patient” this agreement was still in effect, and Ms. Holmes was still in the process of fulfilling those conditions. The Panel was concerned by the fact that Ms. Holmes had again failed to take the necessary precautions before using the IFC on “the patient”, despite this prior incident and her agreement with the Complaint Committee.

The Panel therefore concluded that Ms. Holmes had violated section 1.9.6 of the Code of Ethics, which states the Physiotherapist shall “provide treatment in a manner which ensures the safety of the client and himself/herself”.

- 2. Without consulting the patient's physician, Lorraine Holmes accepted a request to treat the patient's burn by applying Polysporin and Mela Luca gel to the burn site.**

Section 1.6 of the Physiotherapist Code of Ethics on Consultation and Referral states that “the physiotherapist shall provide treatment and/or answer client questions only when competent to do so by reason of their training or experience; otherwise a consultation and/or referral to appropriate practitioner is warranted”.

In addition, section 1.2.4 of the Physiotherapist Code of Ethics states that the physiotherapist “maintains ongoing constructive communication with the client and all relevant parties”.

The Panel felt that Ms. Holmes' actions in connection with her treatment of “the patient's” burn clearly violated these sections of the Code.

- 3. Without consulting the patient's physician, Lorraine Holmes continued treating the patient's burn by applying an antibiotic ointment prescribed by the patient's physician and changing her dressings to treat the burn.**

The Panel did consider Ms. Holmes' argument that in her attempts to care for “the patient's” burn she had “gone above and beyond”. The Panel did not accept that argument. In fact, the Panel found that Ms. Holmes' argument on this point demonstrates a lack of understanding of the physiotherapist's scope of practice. In attempting to provide care outside of her area of expertise to “the patient”, Ms. Holmes repeatedly acted in violation of her professional duties.



## INQUIRY PANEL DECISION CONT'D

The Panel's concerns with respect to Charge #3 are similar to those expressed with respect to Charge #2. Ms. Holmes violated sections 1.6 and 1.2.4 of the Physiotherapist Code of Ethics by failing to communicate with "the patient's" physician directly. Instead, she relied solely on information provided by either "the patient" or members of her family to treat her, and made no attempt to communicate or collaborate with "the patient's" physician.

**4. Lorraine Holmes continued to treat the patient at no charge for several weeks thereafter and did not record or chart the patient's attendances, her condition and her treatments.**

Section 3.4.1 of the Code states that a physiotherapist shall "adhere to ethical business principles and practices"; section 3.4.2 states that physiotherapist shall "charge fees that are reasonable for the services performed"; CPM Practice Statement 5.2 states "The physiotherapist shall charge fees for professional services subsequent to and commensurate with the services rendered".

In addition, CPM Practice Statement 4.17: Record Keeping, Section C - Attendance Record Guidelines, states "it (the attendance record) is still considered as part of the patient's clinical record..." Furthermore, Section D - Financial Record Guidelines provides in paragraph 1 that a member must "keep a financial record for every client" and in paragraph 5 that a member must "include a reason why any fee may have been reduced or waived".

The Panel did note the evidence contained in the investigator's report to the effect that four treatment sessions after March 10, 2014 appeared to have been documented by Ms. Holmes. This was essentially conceded by counsel for CPM. Therefore, the Panel did not find Ms. Holmes guilty of the balance of Charge #4.

**5. On or about March 13, 2014, Lorraine Holmes acceded to the patient's request to try her treadmill, notwithstanding that she had concern about the patient's ability to follow her instructions, resulting in the patient having to be lowered to the ground because she didn't move her feet.**

The Panel found that Ms. Holmes demonstrated poor judgment in this instance. Her conduct in allowing "the patient" to try out the treadmill despite Ms. Holmes' concerns about her ability to do so safely was in violation of certain provisions of the Code of Ethics. In particular, Section 1.4.1 of the Code states that a physiotherapist shall "provide information required to help clients make informed decisions about physiotherapy services, e.g. the purpose and effect of specific interventions, potential risks, and the anticipated frequency and duration of service"; Section 1.9.3 states the physiotherapist shall "exercise competent and professional judgement". Section 1.9.6 states the Physiotherapist shall "provide treatment in a manner which ensures the safety of the client and himself/herself



## INQUIRY PANEL DECISION—PENALTY

### **Penalty:**

The Panel recommended that the member's Certificate of Registration in the College of Physiotherapists of Manitoba be cancelled. The Panel chose not to include any financial restitution to the CPM as part of this decision.

In coming to this conclusion, the Panel considered the following:

1. The member was still in the process of fulfilling the College requirements regarding an almost identical incident resulting in a burn from the use of an IFC machine and had not demonstrated sufficient learning to keep her patients safe.
2. The panel felt that the member's argument that she had "gone above and beyond" in her care and treatment of the patient in this complaint demonstrated a lack of understanding of the physiotherapist scope of practice and that in an attempt to provide care for this patient she repeatedly acted outside of *The Physiotherapists Act*.
3. Despite stating in her testimony that she did not think the treadmill was appropriate for this patient, the member allowed herself to be talked into placing "the patient" on the treadmill, again demonstrating poor clinical judgement and not ensuring patient safety as a priority.
4. The member allowed her personal feelings for the patient and her relationship with the patient in the community to blur and/or compromise the professional therapeutic relationship and compromise her professional judgement.
5. The history of other minor infractions reported to the College in 1997, 2003 and 2011 that were presented into evidence demonstrated a pattern of behaviour and past practice of repeated lack of professional judgment.
6. The member was found guilty of 5 separate charges, all of which demonstrated the member's lack of knowledge, skill and/or judgement in the practice of Physiotherapy and violated several sections of the Code of Ethics.
7. The member did not present the Panel with any other viable option for penalty.

Respectfully submitted by:

Susan Bowman, Chair Inquiry Panel



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## FROM THE CPM OFFICE

The staff at the CPM office would like to extend a huge thank you to all of the physiotherapists who renewed on time this year! This year more than **99%** of our members renewed on time and on-line.

**It is important it is to keep your information up to date and to read correspondence from the College.** This information is sent to keep our registrants informed of decisions made, of upcoming events, and changes to Practice Statements.

The College of Physiotherapists of Manitoba is proud to announce that as of May 1, 2015, we now have **916** members on our registers!

- 758 Active Members
- 11 Exam Candidates
- 48 In-Active Registrants
- 99 Students

## CALL FOR VOLUNTEERS!

We are looking for physiotherapists to apply their knowledge and skills to one of our many committees. We can help you find the committee that's right for you.

Serving on a committee is an excellent means to:

- Pursue your professional growth and development
- Expand your professional and social networks
- Gain experience that you can apply to both your professional and personal life
- Build personal empowerment and self-esteem
- Help the College of Physiotherapists of Manitoba (CPM) maintain its status as a self-regulated profession
- Support your profession by ensuring quality practice and public safety

If you are seeking leadership opportunities- whether building your leadership skills or using your skills in a proactive way, serving on a CPM committee will assist you in achieving these personal goals. You will find yourself on the “cutting edge” of physiotherapy by hearing what is happening within the profession in Canada and internationally. You will learn about government regulation of the professions and learn about the new legislation.

Call or email CPM today for more information on how you can join a committee or visit :

<http://www.manitobaphysio.com/about-us/committees/join-us>