

PHYSIOTHERAPISTS BOARD

香港物理治療師管理委員會

DISCIPLINARY INQUIRY

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE, CAP. 359

Date of inquiry : 24 October 2013

Charge(s) against the respondent

The charge(s) as extracted from the Notice of Inquiry sent to the respondent on 18 July 2013 are –

“That you, being a registered Part Ib physiotherapist, in or about 2012, instigated, sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the following unapproved titles and descriptions in your name card, namely, RPT(HK), MHKPA, Cert in Fascial Release Technique and Cert in On-field Sport Physiotherapy; and that in relation to the facts alleged, you have been guilty of unprofessional conduct.”

Decision of the Physiotherapists Board

The Respondent is a registered Part Ib physiotherapist. In November 2012, the Board received from a complainant a name card of the Respondent showing, among others, that the Respondent has obtained certain qualifications, namely RPT(HK), MHKPA and Cert in Fascial Release Technique and Cert in On-field Sport Physiotherapy.

According to the Respondent, “RPT(HK)” stands for Registered Physiotherapist, Hong Kong and “MHKPA” stands for “Member of Hong Kong Physiotherapy Association”.

In paragraph 9 of the Code of Practice (“the Code”), the Board has specifically warned physiotherapists against the reference to positions held, employment, honorary appointments, or experience and qualifications which are unregistrable or not acceptable to the Board, on signboards, stationery, visiting cards, letterheads, envelopes, prescription slips, notices, etc.

The Code further provides in paragraph 9 that “[a]ny registered physiotherapist who uses any title or description which may reasonably suggest that he possesses any professional

status or qualifications, other than those which he in fact does possess will, in the opinion of the Board, be guilty of unprofessional conduct. In general the Board considers that any act or omission by a registered physiotherapist in connection with his practice which may mislead the public may be held to constitute unprofessional conduct.”

It is further provided in paragraph 6(d)(ii) of the Code that any physiotherapist whose stationery contains irrelevant or unacceptable information; qualifications which are unacceptable to the Board; abbreviations referring to the source of a qualification which may be taken by a lay person to represent an additional qualification may be considered to be guilty of unprofessional conduct.

For the purpose of paragraph 9 of the Code, the Board has prepared a List of Quotable Qualifications and has issued the list to all registered physiotherapists. The list is also available from the Secretary to the Board and on the Board’s website. According to the List of Quotable Qualifications issued on 6 November 2012, the titles or descriptions used by the Respondent in her name card, namely RPT(HK), MHKPA and Cert in Fascial Release Technique and Cert in On-field Sport Physiotherapy, have not been approved by the Board as quotable qualifications.

Before the inquiry, the Secretary and the Respondent have reached agreement on the facts alleged in the charge, namely that the Respondent has instigated, sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the following unapproved titles and descriptions in her name card, namely, RPT(HK), MHKPA, Cert in Fascial Release Technique and Cert in On-field Sport Physiotherapy. The Respondent’s legal representative submitted that the Respondent accepted full responsibility for wrongly using unapproved titles and descriptions and admitted that she as a registered physiotherapist has the obligation to check the relevant guidelines.

The Respondent explained in her earlier submissions to the Preliminary Investigation Committee (“PIC”) that she was not aware of her mistake as she was misled by the practice of other professional colleagues and she had failed to note the relevant guidelines.

The Respondent said in her submissions to the PIC that she has taken immediate remedial steps by destroying any offending name cards and removing unapproved qualifications from her name cards. She also said that she has tried to remind her professional colleagues to ensure that the titles or descriptions appearing on their name cards comply with the Board’s requirements.

In view of the Respondent's admission, the Board accepted that there is sufficient evidence to prove that the Respondent has failed to take adequate steps to prevent the use of unapproved titles and descriptions. The Board is also of the view that the use of the abbreviations RPT(HK) and MHKPA may reasonably suggest that the Respondent possesses professional status or qualifications other than those which she in fact does possess. Having regard to the requirements set out in paragraphs 6(d)(ii) and 9 of the Code, the Board considered that the Respondent's failure to comply with the Code in her use of unapproved titles and descriptions falls below the standard of competency that a professional colleague of good repute and competency regards as reasonable and such failure amounts to unprofessional conduct.

Advice on any deficiencies not identified in the charge

The Board has reservation on the information relating to the service provider stated on the latest name card of the Respondent, in particular the words "occupational therapy", "work rehabilitation" and "sports injury" and has some doubt if such information fully complies with paragraph 6(d)(ii) of the Code. The Respondent may consider seeking further advice on the appropriateness of retaining such information on her name card.

Mitigation of the Respondent

There is no evidence to suggest that the Respondent used unapproved titles or descriptions with intent to mislead the public. There is also no evidence to show that the Respondent has gained from such use. The Respondent apologised for the mistake committed and has taken remedial steps by removing the unapproved titles or descriptions on her name card. She showed her remorse by admitting to the charge from the beginning of the inquiry and submitted various supporting letters from her patients and colleagues to show and support her sincerity and professionalism in her practice.

Sentencing

Having regard to the gravity of the case, the Respondent's willingness to admit her fault and the fact that there is no previous adverse record against her, the Board decides to issue a warning letter against her and not to publish it on the Gazette.

Chairman, Physiotherapists Board
Professor HUNG Leung-kim