

PHYSIOTHERAPISTS BOARD

香港物理治療師管理委員會

DISCIPLINARY INQUIRY

SUPPLEMENTARY MEDICAL PROFESSIONS ORDINANCE, CAP. 359

Date and time of inquiry : 17 May 2021

Charge(s) against the respondent

The charge as extracted from the Notice of Inquiry sent to the Respondent on 3 October 2019 is –

“That you, being a registered Part Ia physiotherapist, on or about 22 August 2017, failed to take adequate steps to prevent the use of the following unapproved titles, descriptions and abbreviations of unapproved titles on the website of [REDACTED] Centre, which was a company operated by you, namely, Clinical Exercise Specialist (ACSM), Certificate in Vestibular Assessment & Rehabilitation (CUHK), Certificate in McKenzie Spinal Therapy (Lumber spine) and Certificate in Mulligan Manual Therapy; and that in relation to the facts alleged, you have been guilty of unprofessional conduct.”

Decision of the Physiotherapists Board

At all material times, the respondent was a registered Part Ia physiotherapist. In the hearing today, the respondent is represented by his legal representative and the Secretary is represented by a Legal Officer.

The parties submitted an Agreed Facts dated 17 May 2021 to the Board. As can be seen from the Agreed Facts, the parties agreed, among other things, on the following matters: -

- (1) on or about 22 August 2017, the following titles, descriptions and abbreviations were published under the respondent's profile on the company website of [REDACTED] Centre (“[REDACTED]”): -
- (a) “Clinical Exercise Specialist (ACSM)”;
 - (b) “Certificate in Vestibular Assessment & Rehabilitation (CUHK)”;
 - (c) “Certificate in McKenzie Spinal Therapy (Lumber spine)”;
 - (d) “Certificate in Mulligan Manual Therapy”
- (collectively, the “Unapproved Titles”);

- (2) the Unapproved Titles were not approved by the Board or included in the List of Quotable Qualifications promulgated by the Board (as at 21 June 2017) which applied to the respondent at the material times; and
- (3) the respondent failed to take adequate steps to prevent the use of the Unapproved Titles on [REDACTED]'s website.

Having considered all the evidence adduced before the Board and the submissions of both parties, the Board accepts all the facts as stated in the Agreed Facts. Under paragraph 6.3.5.2 of the Code of Practice, as read with paragraph 6.3.1.3, the information published in a physiotherapist's practice website or a website of a physiotherapy practice group should not contain qualifications not recognized by the Board in the approved English and/or Chinese forms.

Having considered all the circumstances of the present case, the Board is satisfied that by failing to take adequate steps to prevent the use of the Unapproved Titles on [REDACTED]'s website, the respondent has fallen below the standard of competency that a professional colleague of good repute and competency regards as reasonable and that such failure amounts to unprofessional conduct. Accordingly, the Board finds the respondent guilty as charged.

Sentencing

The respondent is not the subject of a previous disciplinary order. Having heard the submissions on mitigation, the Board agrees that this case does not involve fraud, dishonesty or harm done to patient and that this was a one-off incident. The Board also notes that the respondent admitted responsibility for his fault at a very early stage of the disciplinary proceedings.

Having considered all the relevant circumstances, the Board decides to order that a warning letter be served on the respondent and that such order shall not be published in the Gazette.

Mr Philip TSAI Wing-chung, BBS, JP
(Chairman, Physiotherapists Board)

Date: 17 May 2021