

# 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 : 16 October 2015

#### **Charges against the Respondent**

The charges as extracted from the Notice of Inquiry sent to the Respondent on 8 January 2015 are –

“That you, being a registered Part Ia physiotherapist,

- (a) sanctioned, acquiesced in or failed to take adequate steps to prevent the use of the following unapproved titles and descriptions in your business card, namely 普拉提(墊上)運動教練, 關節炎太極導師, 香港痛症學院針灸學文憑, TRX 團體訓練證書 and 產前產後體適能運動課程證書, contrary to section 9 in Part III of the Code of Practice;
- (b) sanctioned, acquiesced in or failed to take adequate steps to prevent the publication of an article titled “Optimum Performance - \$188 Three Stretching & Physiotherapy Treatments / Four TRX Group Classes, \$299 for Two People at Cure Physiotherapy & Stretching Therapy Exercise Centre (Valued up to \$3200)” in the website “www.groupon.hk” in or around October or November 2013 which referred readers to the address and telephone number of Cure Physiotherapy and Stretching Therapy Exercise Centre (“the Company”); a company in which you had a financial and/or professional relationship. By associating with the Company which so conducted itself as stated above, your conduct amounted to canvassing, contrary to section 8 in Part III of the Code of Practice;

and that in relation to the facts alleged, either individually or cumulatively, you have been guilty of unprofessional conduct.”

## **Decision of the Physiotherapists Board**

The Respondent is a registered Part Ia physiotherapist. In November 2013, the Board received a complaint that the Respondent, as an owner of “Cure Physiotherapy and Stretching Therapy Exercise Centre”, had advertised in the website “www.groupon.hk”. The complainant also supplied to the Board a copy of the business card of the Respondent showing, among other things, titles and descriptions of “普拉提(墊上)運動教練”, “關節炎太極導師”, “香港痛症學院針灸學文憑”, “TRX 團體訓練證書” and “產前產後體適能運動課程證書”.

By section 9 in Part III of the Code of Practice, the Board has warned physiotherapists specifically against 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. A list of qualifications acceptable to the Board in the approved Chinese and English abbreviated forms is issued to all registered physiotherapists. Copies may be obtained from the Secretary, Physiotherapists Board of Hong Kong. Any 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. According to the List of Quotable Qualifications issued by the Board on 23 July 2013, the titles or descriptions used by the Respondent in her business card, namely “普拉提(墊上)運動教練”, “關節炎太極導師”, “香港痛症學院針灸學文憑”, “TRX 團體訓練證書” and “產前產後體適能運動課程證書”, have not been approved by the Board as quotable qualifications.

Furthermore, by section 8 in Part III of the Code of Practice, the Board has made known that canvassing for the purpose of obtaining patients, either personally, by servant, agent or others; whether directly or indirectly, or in association with or in the employment of persons or organizations which canvass, may lead to disciplinary proceedings. Physiotherapists have been warned that association with institutions, companies, etc. which advertise clinical or diagnostic services to the general public and which directs patients to particular physiotherapists may be regarded as canvassing.

The Respondent admitted guilt in respect of both charges (a) and (b) as above.

The Board accepted that there is sufficient evidence presented by the Secretary to prove that the Respondent has failed to take adequate steps to prevent the use of unapproved

titles and descriptions as aforesaid. The Board is also of the view that the Respondent by failure to prevent the advertisement in the website has canvassed for the purpose of obtaining patients. In the latter connection, the Board particularly noted that the website had stated “complimentary physiotherapy consulting” (“免費物理治療諮詢”) which amounts to canvassing. There is no evidence before the Board which suggests that the Respondent did not have knowledge in this matter. The Board is satisfied that the Respondent has fallen below the standard of competency that a professional colleague of good repute and competency regards as reasonable and such failure amounts to unprofessional conduct.

The Board finds the Respondent guilty of both charges (a) and (b).

### **Mitigation of the Respondent**

The Respondent showed remorse by admitting her guilt to both charges at the beginning of the inquiry. The Respondent did in fact possess the relevant qualifications and there is no evidence to suggest that the Respondent used these unapproved titles or descriptions with intent to mislead the public. While the Respondent submitted that the advertisement on the website was the idea and product of her business partner without the Respondent’s participation, the Board has reservations about such claim. It should also be borne in mind that the Respondent as an owner of the business has to take ultimate responsibility. The Board is disappointed that the Respondent committed such unprofessional conduct when there are similar cases having been published in the Board’s website. The Board also noted the various supporting letters from her patients and others to show their support on 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