

IN THE MATTER OF: ***The Regulated Health Professions Act***
S.P.E.I. Cap R-10.1

-and-

IN THE MATTER OF: **A Complaint by Physio East Ltd.**
against Justin Willsie PT

CONSENT ORDER

Justin Willsie PT, a member of the Prince Edward Island College of Physiotherapy (the "College"), hereby admits the following facts and consents to the following disposition of the complaint of Physio East Ltd. (the "Complainant"), dated September 16, 2020 (the "Complaint"), a copy of which is attached to this Consent Order as Schedule "A".

Member's background

1. Mr. Willsie has been a member of the College since January 2019.
2. At all times material to the Complaint and this Consent Order, Mr. Willsie was employed by Physio East Ltd. as a physiotherapist.
3. Mr. Willsie was also employed at all times material to the Complaint and this Consent Order as a physiotherapist at Kings County Memorial Hospital ("KCMH").

Complaint Investigation

4. On or about September 23, 2020, and pursuant to s. 29 of the *Physiotherapy Act* Standards and Discipline Regulations, the Council of the College constituted an Investigation Committee to investigate the Complaint.
5. The Investigation Committee proceeded with its investigation, which included interviews with the principals of the Complainant and with Mr. Willsie; receipt and review of various documents applicable to the Complaint and its consideration; interviews with administration at KCMH; and consideration of written submissions and documents from Mr. Willsie.
6. During the course of its investigation, the Investigation Committee learned that Mr. Willsie was under review at KCMH for similar behavior as alleged in the Complaint,

to wit, inappropriate communications with a female employee, for which he was placed on administrative leave.

7. On November 1, 2020 the College became regulated under the *Regulated Health Professions Act* (the "RHPA") and the Complaint investigation proceeded pursuant to the statutory provisions and requirements of the RHPA.

8. On December 23, 2020 the Investigation Committee presented its report to the Complainant and Mr. Willsie pursuant to Subsection 51(3) of the RHPA (the "IC Report"). Mr. Willsie indicated to the Investigation Committee that he accepted the findings, conclusions and recommendations as contained within the IC Report.

Complaint Investigation Findings

9. The Investigation Committee made the following findings pursuant to its investigation and Report:

- i. Mr. Willsie communicated inappropriate text messages with a [REDACTED] volunteer [REDACTED] at Physio East Ltd.;
- ii. Mr. Willsie was subsequently terminated from his employment at Physio East Ltd.;
- iii. Mr. Willsie did not deny the allegations against him of communicating inappropriate text messages with the student volunteer;
- iv. Although Mr. Willsie admitted to communicating inappropriate text messages with the [REDACTED] volunteer, he minimized the seriousness of the inappropriate messages; and,
- v. Mr. Willsie is attending therapy and is concerned about the impact of his behavior on his family.

Complaint Investigation Conclusion

10. Further to its investigation, the Investigation Committee concluded that Mr. Willsie's behavior constituted a violation of Subsections 57(1)(a) and 57(1)(a.1) of the RHPA:

57(1) The conduct of a respondent may be found to constitute professional misconduct if

- (a) the respondent contravenes this Act, the regulations, the bylaws, standards of practice, code of ethics or practice directions in a

manner that, in the opinion of the investigation committee or the hearing committee, relates to the respondent's suitability to practice a regulated health profession;

- (a.1) in the opinion of the investigation committee or the hearing committee, the conduct is harmful to the best interests of a client or other person, or to the integrity of the profession;

11. The Investigation Committee further concluded that Mr. Willsie was in violation of the Core Code of Ethics for Physiotherapists in Canada.

Admissions

12. Mr. Willsie has admitted and acknowledged that his behavior constituted professional misconduct.

Acceptance of Penalty and Disposition

13. Mr. Willsie accepts the following penalty and disposition of this matter:
- a) Mr. Willsie is hereby formally reprimanded by the Council for the College of Physiotherapy for his behavior that resulted in the Complaint which constitutes professional misconduct;
 - b) Mr. Willsie shall pay a fine of \$4,000.00 within one (1) year of the date of this Consent Order, which fine shall only incur interest if not paid when due, at which time interest shall then apply at the rate of ten (10) percent per annum on the outstanding balance owing until paid in full;
 - c) Mr. Willsie shall fulfill the following continuing professional education at his own expense within three (3) months of the date of this Consent Order, and confirm in writing to Council for the College that he has fulfilled this continuing professional education:
 - i. review The Essential Competency Profile for Physiotherapists in Canada;
 - ii. review The Code of Ethics for Physiotherapists in Canada; and
 - iii. review The Handbook on Sensitive Practice for Health Care Practitioners.
 - d) Mr. Willsie shall fulfill the following continuing professional education at

his own expense within one (1) year of the date of this Consent Order, and confirm in writing to Council for the College that he has fulfilled this continuing professional education:

- i. complete a professional boundaries and ethics course as approved by the College.
 - e) Mr. Willsie shall attend therapy and counseling sessions to be facilitated by a registered counsellor/therapist of his own choosing, subject to the approval of the College;
 - f) Mr. Willsie shall restrict his physiotherapy practice to not work with or on minors (individuals under the age of 18 years) until such time as permitted and determined in writing to the College by Mr. Willsie's registered counsellor/therapist;
 - g) Mr. Willsie shall not hold a supervisory role as a physiotherapist or otherwise within the practice of physiotherapy until such time as permitted and determined in writing to the College by Mr. Willsie's registered counsellor/therapist; and,
 - h) The costs associated with attending counselling/therapy sessions and obtaining the required above-noted reports are the responsibility of Mr. Willsie.
14. Mr. Willsie agrees to cooperate with the College and communicate with the College in a timely manner as may be required with respect to the terms of this penalty and disposition.
15. Pursuant to Subsection 52(b) of the *RHPA*, Mr. Willsie consents to this Order, which the Investigation Committee is authorized to make and enter into pursuant to the *RHPA*, including Subsections 52(b) and 58(2) of the *RHPA*.
16. The College reserves all rights available to it under the *RHPA* in the event of Mr. Willsie's failure to comply with the terms of this Consent Order, including but not limited to the right to make an Interim Order pursuant to s. 53 of the *RHPA* and the right to impose a suspension of the Respondent's registration pursuant

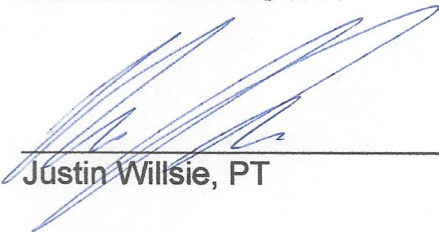
to Subsection 58(7) of the *RHPA*.

17. The College reserves the right to provide this Consent Order to the college or governing body for physiotherapy in any other jurisdiction, either upon request or at the College's own discretion, with or without notice to Mr. Willsie.

18. This Order takes effect as of the date indicated below.


THIS CONSENT ORDER made this 25th day of January, 2021.

CONSENTED TO BY:



Justin Willsie, PT

ACCEPTED BY:



Robyn Thompson, BScPT, MScPT
Chair, Investigating Committee