

**IN THE MATTER OF A HEARING BEFORE THE HEARING TRIBUNAL
OF PHYSIOTHERAPY ALBERTA COLLEGE + ASSOCIATION**

into the conduct of Dale Deis
pursuant to the
Health Professions Act, R.S.A.2000, c. P-14

**NOTICE OF HEARING
AND
NOTICE TO ATTEND AS WITNESS**

TO: DALE DEIS

TAKE NOTICE THAT on **April 5, 6, and 8, 2022** in the City of Edmonton, in the Province of Alberta, commencing at 9:00 a.m. by Zoom Video Conference, a Hearing Tribunal of Physiotherapy Alberta College + Association (“Physiotherapy Alberta”) will conduct a hearing into allegations that you engaged in unprofessional conduct in that:

1. On or about November 5, 2020, while providing physiotherapy treatment to T.D., you did one or more of the following to T.D.:
 - (a) Told her that “you have to keep the girls happy”, or words to that effect, in reference to T.D.’s breasts;
 - (b) Told her that “I bet this is how your baby was conceived”, or words to that effect;
 - (c) Told her that you “doubt these were the clothes you were wearing when you made the baby”, or words to that effect.
2. On or about November 5, 2020, you failed to obtain adequate ongoing informed consent while assessing T.D.’s hip, the particulars of which include:
 - a. Prior to engaging in the assessment, failed to explain that you were going to perform an assessment of T.D.’s hip while she was positioned on her back with her legs raised to her chest and while at the same time you were kneeling on the treatment table;
 - b. Failed to obtain T.D.’s consent prior to positioning yourself on the treatment table.

IT IS FURTHER ALLEGED THAT your conduct constitutes “unprofessional conduct” as defined in s. 1(1)(pp)(i)(ii)(xii) of the *Health Professions Act, R.S.A. 2000, c. H-7* (the “HPA”), in particular:

1. Your conduct in relation to allegation #1 constitutes “sexual misconduct” as defined in s. 1(1)(nn.2) of the *Health Professions Act*, R.S.A. 2000, c. H-7 (the “HPA”) and contravenes Physiotherapy Alberta’s Standard of Practice for Physiotherapists in Alberta: Sexual Abuse and Sexual Misconduct.
2. Further or in the alternative, your conduct with respect to allegations #1 and #2 breaches one or more of the following:
 - a. Code of Ethical Conduct for Alberta Physiotherapists: Responsibilities to the Client (A1, A4, A5, A6, A18); Responsibilities to the Public (B1); and Responsibilities to Self and the Profession (C1);
 - b. Standards of Practice for Physiotherapists in Alberta: Professional Boundaries; Communication; Consent.

AND FURTHER TAKE NOTICE that pursuant to section 72(1) of the *Health Professions Act*, you are required to attend at the said time and place in person, and you are compelled to give evidence and produce models, charts, documents, papers, notes, records, and other material relevant to the Hearing Tribunal.

AND FURTHER TAKE NOTICE that in the event that you do not attend at the said time and place, the Hearing Tribunal may proceed in your absence pursuant to section 79(6) and you will not be entitled to any further notice of the proceedings.

AND FURTHER TAKE NOTICE that in the event you do not attend at the said time and place, your failure to comply with the Notice to Attend may result in a further complaint and may constitute unprofessional conduct.

DATED at the City of Edmonton, in the Province of Alberta, this 2nd day of December, 2021.

X 

Jane McKenzie, Hearings Director
Physiotherapy Alberta - College + Association
Signed by: Jane McKenzie