

**IN THE MATTER OF A HEARING BEFORE THE HEARING TRIBUNAL  
OF PHYSIOTHERAPY ALBERTA – COLLEGE + ASSOCIATION**  
into the conduct of Mahveen Moiz, Registration No. 7476  
pursuant to the  
*Health Professions Act, R.S.A.2000, c. P-14*

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

**TO: MAHVEEN MOIZ**

**TAKE NOTICE THAT** on **November 27, 2023** in the City of Edmonton, in the Province of Alberta, commencing at 9:00 a.m. by Zoom Video Conference, a Hearing Tribunal of the College of Physiotherapists of Alberta (the “College”) will conduct a hearing into allegations that you engaged in unprofessional conduct in that:

1. You failed to obtain adequate informed consent from D.E. at her initial treatment on or about August 20, 2020, before administering dry needling to her, the particulars of which include failing to:
  - a. Explain the nature and purpose of the proposed treatment;
  - b. Explain the benefits of the proposed treatment;
  - c. Explain alternatives to the proposed treatment;
  - d. Explain any material and special risks associated with the proposed treatment and procedure, with specific reference to D.E.’s medical history and physique;
  - e. Ensure that D.E. understood the consequences of the risks of treatment, including pneumothorax.
2. On or about September 9, 2021, you failed to adequately renew the informed consent process with D.E. when she returned after a break in treatment from December 12, 2020 to September 9, 2021.
3. On or about December 18, 2021, you failed to administer dry needling in a competent manner to D.E., resulting in bilateral pneumothoraxes.
4. You failed to provide adequate or any information to D.E. after performing dry needling on her in relation to how to recognize or respond to potential adverse events, particulars of which include:

- a. Failed to advise D.E. of potential symptoms such as increasing pain, discomfort or shortness of breath that would assist D.E. in recognizing that an adverse event, including pneumothorax, may have occurred;
  - b. Failed to provide D.E. with information regarding how to manage a potential adverse event;
  - c. Failed to advise D.E. to seek medical treatment on an urgent basis if she experienced any symptoms that could constitute a pneumothorax.
5. You failed to obtain adequate informed consent from J.A. before administering dry needling to him on or about June 4, 2022, the particulars of which include failing to:
  - a. Explain the nature and purpose of the proposed treatment;
  - b. Explain the benefits of the proposed treatment;
  - c. Explain alternatives to the proposed treatment;
  - d. Explain any material and special risks associated with the proposed treatment and procedure, with specific reference to J.A.'s medical history and physique;
  - e. Ensure that D.E. understood the consequences of the risks of treatment, including pneumothorax.
6. On or about June 4, 2022, you proceeded to administer dry needling to J.A.'s left cervical and shoulder girdle region, despite the increased risk of pneumothorax as a result of the significant risk factors unique to J.A. arising from his medical history and physique.
7. On or about June 4, 2022, you failed to administer dry needling in a competent manner to J.A, resulting in pneumothorax.
8. You failed to provide adequate or any information to J.A. after performing dry needling on him in relation to how to recognize or respond to a potential adverse events, particulars of which include:
  - a. Failed to advise J.A. of potential symptoms such as increasing pain, discomfort or shortness of breath that would assist J.A. in recognizing that an adverse event, including pneumothorax, may have occurred;
  - b. Failed to provide J.A. with information regarding how to manage a potential adverse event;
  - c. Failed to advise J.A. to seek medical treatment on an urgent basis if he experienced any symptoms that could constitute a pneumothorax.

9. On or about June 4-5, 2022, you failed to respond appropriately to J.A. and/or to his mother R.A. after you were advised that J.A. was experiencing shortness of breath, dry cough, and pain following his attendance with you for dry needling, particulars of which include:
- a. Failed to indicate that J.A. may have suffered a pneumothorax;
  - b. Failed to recommend to J.A. he seek immediate medical attention, including pursuing a chest x-ray;
  - c. Failed to be forthright regarding the fact that J.A. may have suffered a potential adverse event, including downplaying the seriousness and urgency of J.A.'s possible medical condition;
  - d. Failed to recommend ongoing follow-up care.

**IT IS FURTHER ALLEGED THAT** your conduct constitutes “unprofessional conduct” as defined in s. 1(1)(pp)(i), (ii), and (xii) of the *Health Professions Act*, R.S.A. 2000, c. H-7 (the “HPA”). In particular, it is alleged that your conduct breaches one or more of the following:

- Code of Ethical Conduct for Alberta Physiotherapists: Responsibilities to the Client (A6, A12, A13 and A15);
- Standards of Practice for Physiotherapists in Alberta: Performance of Restricted Activities;
- Standards of Practice for Physiotherapists in Alberta: Communication;
- Standards of Practice for Physiotherapists in Alberta: Consent;
- Standards of Practice for Physiotherapists in Alberta: Client Assessment, Diagnosis, Interventions;
- Consent Guide

**AND FURTHER TAKE NOTICE** that pursuant to section 72(1) of the HPA 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) of the HPA 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, 11<sup>th</sup> day of September 2023.



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Haylee O'Reilly, Hearings Director  
College of Physiotherapists of Alberta  
Signed by: Haylee O'Reilly