

**IN THE MATTER OF A HEARING OF THE HEARING TRIBUNAL OF THE  
COLLEGE OF PHYSIOTHERAPISTS OF ALBERTA**

**Pursuant to THE *HEALTH PROFESSIONS ACT*, being Chapter H-7 of the Revised  
Statutes of Alberta**

**Regarding the conduct of Liaqat Ali Khan, a Regulated Member**

**DECISION OF THE HEARING TRIBUNAL**

[1] The Hearing Tribunal of the College of Physiotherapists of Alberta (the “**College**”) met by video conference on May 12, 2025 to consider the written submissions on sanction from the Complaints Director and Liaqat Ali Khan (“**Mr. Khan**”). The following individuals were present:

[2] In attendance were:

Hearing Tribunal Investigated Members:

Todd Wolansky, PT, Chair  
Wendy Coombs, PT  
Vince Paniak, Public Member  
Dianna Jossa, Public Member

Also present was:

Julie Gagnon, Independent Legal Counsel for the Hearing Tribunal

**Background**

[3] In its decision dated January 6, 2025, the Hearing Tribunal found the following allegation(s) proven:

1. On or between June 27, 2022 – October 6, 2022, while providing physiotherapy treatment to Patient S.B., you engaged in inappropriate discussions with Patient S.B. including one or more of the following:
  - c. You discussed and/or asked about sexual activity and “rape”;
  - d. You discussed vibrators and a sex toy website, PinkCherry;
2. Further, or in the alternative to Allegation 1, on or between June 27, 2022 – October 6, 2022, you were present when receptionist M.B. engaged in communications with your patient S.B. regarding topics of a personal and/or sexual nature, and failed to take steps to address the inappropriate nature of the communications or to enforce appropriate boundaries, including one or more of the following topics:

- a. Sexual preferences and/or sexual orientation, including:
  - i. discussing “jumping into a girls’ train”, or words to that effect;
- c. Sexual activity and “rape”;
- d. A party with male dancers, including that you viewed a photo of a naked man;
- e. Being naked at home and/or in front of other people;
- f. Vibrators and a sex toy website, PinkCherry.

[4] The Hearing Tribunal dismissed allegations 1(a), (b), (e), (f), (g); 2 (a)(ii), (b); and 3.

#### **Written Submissions on Sanction**

[5] The Hearing Tribunal received the following written submissions from the parties:

- a. Written Submissions of the Complaints Director dated March 21, 2025 enclosing:
  - i. Correspondence between Counsel for the Complaints Director and Patient S.B.;
  - ii. Joint Submission on Sanction
- b. Written Submissions of Mr. Khan dated April 3, 2025, enclosing
  - i. CV of Mr. Khan;
- c. Reply Written Submissions of the Complaints Director dated April 11, 2025.

#### **Joint Submissions on Sanction**

[6] The parties have provided a joint submission on sanction as follows:

1. Reference is made to the written decision (the "**Decision**") from the Hearing Tribunal regarding the conduct of Mr. Liaqat Ali Khan ("**Mr. Khan**") dated the 6th day of January, 2025.
2. In light of the circumstances, the Decision and section 82(1.1)(b) of the *Health Professions Act* (the "**HPA**"), which requires the Hearing Tribunal to order a suspension of Mr. Khan's practice permit based on a finding of sexual misconduct, Mr. Khan and the Complaints Director jointly recommend that the following orders (the "**Orders**") should be imposed pursuant to section 82 of the HPA as a result of the findings of the Hearing Tribunal are as follows:
  - a. Mr. Khan's practice permit with the College, and ability to practice physiotherapy in Alberta, shall be suspended for a period of four (4) months (the "**Suspension**") on the terms and conditions set out below and

commencing seven (7) business days (the "**Start Date**") after he receives a copy of the Hearing Tribunal's written decision regarding sanction and costs (the "**Sanction Decision**"):

- i. While serving the Suspension, Mr. Khan shall not work or practice in any capacity as a physiotherapist, whether as a paid or unpaid employee, a volunteer, or a contractor.
  - ii. Mr. Khan shall serve two (2) months of the Suspension, commencing on the Start Date of the Suspension.
  - iii. The remaining two (2) months of the Suspension shall be held in abeyance for a period of one (1) year after the date of the Sanction Decision is served on Mr. Khan, unless:
    1. A further complaint about Mr. Khan is received by the College, or initiated by the Complaints Director pursuant to section 56 of the HPA based on reasonable grounds, that:
      - a. in the opinion of the Complaints Director, raises professional boundary concerns, concerns of sexual misconduct or concerns of a similar nature to the complaint originally made about Mr. Khan that resulted in the hearing; and
      - b. is not dismissed under section 55(2) of the HPA.
  - iv. On the happening of paragraph 2(a)(iii)(l), the Complaints Director shall, without delay, provide notice to Mr. Khan that he is suspended for the remaining two (2) months that were originally held in abeyance and Mr. Khan must serve the remaining Suspension in its' entirety.
  - v. If paragraph 2(a)(iii)(l) is not applicable within one (1) year of being served the Sanction Decision, the remaining two (2) month period of the Suspension that was held in abeyance shall be deemed served by Mr. Khan.
  - vi. The Suspension being held in abeyance is not impacted, nor interferes, with paragraph 5(b) below. For clarity, if Mr. Khan fails to comply with any of the orders made by the Hearing Tribunal, he may be suspended pursuant to paragraph 5(b).
- b. Mr. Khan shall complete, at his own cost, the courses below. Mr. Khan shall provide the Complaints Director with a certificate confirming successful completion of the course within one (1) year after he receives a copy of the Sanction Decision:

- i. PROBE Ethics & Boundaries Program Canada (CPEP - <https://www.cpepdoc.org/cpep-courses/probe-ethics-boundaries-program-canada/>).
- c. Mr. Khan shall pay forty percent (40%) of the total costs of the investigation and hearing, to a maximum of \$40,000 (the "**Costs**") and on the following terms:
  - i. the Costs are due thirty-six (36) months after Mr. Khan is served the Sanction Decision, and noting:
    - 1. a minimum payment of \$5,000.00 is due within twelve (12) months of Mr. Khan being served with the Sanction Decision;
    - 2. the remaining amount of Costs owed to the College is payable within the remaining twenty-four (24) months.
  - ii. the Costs must be paid to the College, whether or not Mr. Khan holds an active practice permit with the College; and
  - iii. the Costs are a debt owed to the College and if not paid by the deadline indicated, may be recovered by the College as an action of debt.
- 3. The Orders set out above, if accepted by the Hearing Tribunal, shall appear as conditions (the "**Conditions**") on Mr. Khan's practice permit and on the public register. The Conditions shall be removed once the Orders are deemed satisfied by the Complaints Director.
- 4. The responsibility lies with Mr. Khan to comply with these Orders and should Mr. Khan be unable to comply with any of the deadlines for completion of the Orders above, he may apply to the Complaints Director for an extension, by submitting a written request prior to the deadline. Extensions may be granted in the sole discretion of the Complaints Director.
- 5. Should Mr. Khan fail to comply with any of the Orders above within the deadline specified or within the period of the extended deadline granted by the Complaints Director, the Complaints Director may do any or all of the following:
  - a. Treat Mr. Khan's non-compliance as information for a complaint under s. 56 of the HPA;
  - b. In the case of working or practicing in any capacity as a physiotherapist while serving the Suspension, failure to complete the courses required or failure to pay the Costs by the deadlines referred to above, and subject to an amended deadline agreed to by the Complaints Director, Mr. Khan's

practice permit will be suspended until he has complied with the outstanding Order(s) from the Hearing Tribunal;

- c. Refer the matter back to a Hearing Tribunal of the College for further direction.

### **Submissions on behalf of the Complaints Director**

- [7] Counsel for the Complaints Director submitted that the Joint Submission is proportionate based on the findings of the Hearing Tribunal, sufficiently protects the public through deterrence and remediation, and that it should be accepted having consideration to the public interest test set out in *R v Anthony-Cook*, 2016 SCC 43, [2016] 2 S.C.R. 204. More specifically, the Hearing Tribunal should not depart from the Joint Submission unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest.
- [8] Counsel for the Complaints Director reviewed the factors for penalty in *Jaswal v. Medical Board (Nfld.)*, 1996 CanLII 11630 (NL SC), noting that the conduct was serious and demonstrated a clear lack of judgment and professionalism.
- [9] Counsel for the Complaints Director noted that Mr. Khan's conduct was a clear departure from the conduct expected of a physiotherapist and breached numerous standards of practice and professional expectations, as well as harmed the integrity of the profession. Counsel noted the following from the Decision by the Hearing Tribunal, regarding the nature and severity of the conduct:
  - a. "Mr. Khan failed to demonstrate sensitivity, compassion, and respect in his professional interactions with S.B. Discussing rape was not in any way relevant to S.B.'s care and was inappropriate and a breach of professional boundaries."
  - b. "Mr. Khan failed to demonstrate sensitivity, compassion, and respect in his professional interactions with S.B.; to understand the impact of power, trust, respect, and physical closeness on his relationships with S.B.; and to treat S.B. with respect and avoid all situations, comments, and actions that would reasonably be perceived as unprofessional."
  - c. "Absent relevance to a patient's treatment, discussions regarding rape, sex toys, and cultural beliefs about sex are inappropriate to a treatment setting, regardless of intent. Such discussions can negatively impact the treatment relationship and treatment outcomes...Engaging in the types of discussions that were found to be proven in this case undermines the public's trust in the profession and harms the integrity of the profession."
  - d. "A physiotherapist must interject and take steps to address inappropriate situations occurring in relation to a client. Mr. Khan was present for and aware that discussions were taking place with M.B. that were inappropriate to the therapy relationship, and he failed to take steps to address them."

- [10] Counsel for the Complaints Director also emphasized that there was a pattern of conduct over a period of approximately four months.
- [11] Counsel for the Complaints Director noted that Mr. Khan had no prior complaints or convictions. While Patient S.B. did not wish to make an impact statement, she spoke to the impact of the conduct on her during the hearing. It was also noted that Mr. Khan had not suffered any additional financial penalties and had maintained his employment as a physiotherapist.
- [12] Counsel for the Complaints Director noted that deterrence is a paramount consideration based on the nature of the conduct, including both specific and general deterrence.
- [13] Various cases were provided in the written submissions to support that the proposed sanction is in the range of sanctions that should be ordered in a case such as this.

#### **Submissions on behalf of Mr. Khan**

- [14] Counsel for Mr. Khan reviewed the proposed sanction. It was noted that eight of the fifteen specific allegations were dismissed by the Hearing Tribunal.
- [15] Counsel for Mr. Khan reiterated the principles regarding the deference owed to a joint submission and submitted that the joint submission falls well within the range of reasonable outcomes regarding sanction. It was noted that there is a very high bar before intervening with a joint submission on sanction.
- [16] Counsel for Mr. Khan submitted that the proposed sanction protects the public, which is the fundamental rationale for the HPA and its disciplinary process.
- [17] With respect to the *Jaswal* factors, counsel for Mr. Khan reviewed the factors and acknowledged the conduct was serious and took place over a number of months. It was also noted that Mr. Khan has been practicing in Alberta since 2018 and obtained his full credentials in March 2020. Prior to that, he worked in Pakistan for many years. It was noted that no other concerns have arisen regarding Mr. Khan's conduct following the complaint regarding Patient S.B.
- [18] It was submitted that Patient S.B. was an adult of sound mind and that Patient S.B. indicated some discomfort with her conversations with Mr. Khan at the hearing but declined to provide any additional impact statement.
- [19] Counsel for Mr. Khan reviewed the proposed sanction, noting that the suspension serves the purpose of deterrence, behaviour correction, and public confidence in the profession. The PROBE course serves several purposes including rehabilitation, education and increased public trust in the profession and disciplinary process. The costs award will represent a significant burden on Mr. Khan but it is fair and reasonable given the circumstances.

#### **Decision of the Hearing Tribunal**

- [20] The Hearing Tribunal considered the written submissions of the parties and the proposed joint submission on sanction.
- [21] The Hearing Tribunal considered the factors in *Jaswal*. The Hearing Tribunal found that the conduct was serious and that it occurred over a period of time. The Hearing Tribunal agreed with the submissions of the Complaints Director that the conduct reflected a serious and clear lack of judgment and professionalism and harmed the integrity of the profession. As the trained physiotherapist in the room, Mr. Khan was responsible to maintain boundaries and avoid discussing sexual topics with Patient S.B. All physiotherapists regardless of experience should be aware of the need to ensure they maintain respectful boundaries with their clients, refrain from engaging in sexual misconduct, and act in a professional manner.
- [22] The Hearing Tribunal noted that Mr. Khan had no prior complaints or convictions in Alberta and had practiced here since 2018, practicing in Pakistan previously. The Hearing Tribunal agreed that Mr. Khan did acknowledge the conduct for all of the allegations found to be proven.
- [23] The Hearing Tribunal is cognizant of the high level of deference owed to a joint submission on sanction as set out in *R v Anthony-Cook*. The Hearing Tribunal finds that the proposed sanction meets the public interest test and does not bring the administration of justice into disrepute. The Hearing Tribunal found the proposed sanction to be reasonable, noted that the parties have taken a balanced approach in terms of the joint submission and found no reason to intervene with the proposed joint submission on sanction.
- [24] The Hearing Tribunal finds that the proposed period of suspension is reasonable. A suspension is mandatory under section 82(1.1)(b) of the HPA where there is a finding of sexual misconduct. The period of suspension of four months, with two months held in abeyance under the conditions set out by the parties, is reasonable given the circumstances in this case. The suspension acts as a deterrent, both specific and general, and thus serves to protect the public. It also helps to maintain the public's confidence in the integrity of the profession.
- [25] The Hearing Tribunal also considered that the PROBE course is remedial in nature. It will help to ensure that Mr. Khan does not engage in similar conduct in the future. The course further serves to protect the public.
- [26] The Hearing Tribunal also noted that Mr. Khan had not lost any employment income during the complaint process and hearing.
- [27] The Hearing Tribunal found the proposed costs order to be fair. The Hearing Tribunal was mindful that the costs order was reached by agreement of the parties. While \$40,000 is a significant amount of costs, Mr. Khan is given a period of three years to pay the costs. This is appropriate and reasonable.

- [28] The proposed sanction effectively serves the purposes of deterrence, both specific and general, and helps maintain public confidence in the integrity of the profession. The period of suspension is appropriate, having regard to the circumstances of the case. Additionally, emphasizing rehabilitation and remediation through a course is suitable given the nature of the conduct involved. The proposed costs are appropriate. Considering the circumstances of the case, the sanction is reasonable and fair. The Hearing Tribunal found no reason to intervene with the proposed joint submission on sanction.

### Orders of the Hearing Tribunal

- [29] For the reasons set out above the Hearing Tribunal finds the proposed Joint Submission on Sanction to be reasonable. The Hearing Tribunal therefore orders, pursuant to section 82 of the HPA, the following:

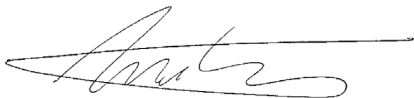
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2. In light of the circumstances, the Decision and section 82(1.1)(b) of the *Health Professions Act* (the "**HPA**"), which requires the Hearing Tribunal to order a suspension of Mr. Khan's practice permit based on a finding of sexual misconduct, Mr. Khan and the Complaints Director jointly recommend that the following orders (the "**Orders**") should be imposed pursuant to section 82 of the HPA as a result of the findings of the Hearing Tribunal are as follows:
  - a. Mr. Khan's practice permit with the College, and ability to practice physiotherapy in Alberta, shall be suspended for a period of four (4) months (the "**Suspension**") on the terms and conditions set out below and commencing seven (7) business days (the "**Start Date**") after he receives a copy of the Hearing Tribunal's written decision regarding sanction and costs (the "**Sanction Decision**"):
    - i. While serving the Suspension, Mr. Khan shall not work or practice in any capacity as a physiotherapist, whether as a paid or unpaid employee, a volunteer, or a contractor.
    - ii. Mr. Khan shall serve two (2) months of the Suspension, commencing on the Start Date of the Suspension.
    - iii. The remaining two (2) months of the Suspension shall be held in abeyance for a period of one (1) year after the date of the Sanction Decision is served on Mr. Khan, unless:
      1. A further complaint about Mr. Khan is received by the College, or initiated by the Complaints Director pursuant to section 56 of the HPA based on reasonable grounds, that:



- a. in the opinion of the Complaints Director, raises professional boundary concerns, concerns of sexual misconduct or concerns of a similar nature to the complaint originally made about Mr. Khan that resulted in the hearing; and
  - b. is not dismissed under section 55(2) of the HPA.
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- 5. Should Mr. Khan fail to comply with any of the Orders above within the deadline specified or within the period of the extended deadline granted by the Complaints Director, the Complaints Director may do any or all of the following:
  - a. Treat Mr. Khan's non-compliance as information for a complaint under s. 56 of the HPA;
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  - c. Refer the matter back to a Hearing Tribunal of the College for further direction.

Signed on behalf of the Hearing Tribunal this 17<sup>th</sup> day of June, 2025.



Todd Wolansky, PT, Chair