

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF KINESIOLOGISTS OF ONTARIO**

BETWEEN:

COLLEGE OF KINESIOLOGISTS OF ONTARIO

- and -

JENNIFER HUDSON

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Kinesiologists of Ontario (the "College") has referred specified allegations against **Jennifer Hudson** to the Discipline Committee of the College. The allegations were referred in accordance with section 26 of the *Health Professions Procedural Code* which is Schedule II to the *Regulated Health Professions Act, 1991*. The statement of specified allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code*, as amended, for the purposes of deciding whether the allegations are true. A **pre-hearing conference** will be held at a date and location to be set by the Registrar. A discipline panel will convene at the offices of the College at **160 Bloor Street East, Suite 1402, Toronto** at a time and on a date to be set by the Registrar, or as soon thereafter as the panel can be convened, for the purposes of conducting the **discipline hearing**.

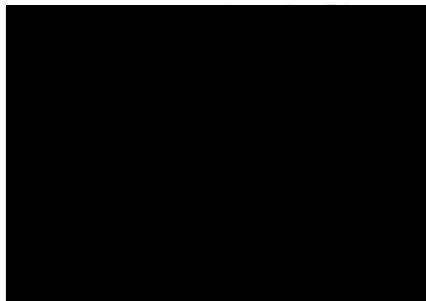
IF YOU DO NOT ATTEND ON THE DATE FOR THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke the member's certificate of registration.
2. Direct the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Require the member to appear before the panel to be reprimanded.
5. Require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program required under section 85.7 of the *Health Professions Procedural Code*.
7. If the panel makes an order under paragraph 6, require the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You, or your representative, may contact the solicitor for the College, Rebecca Durcan, in this matter:



You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended.

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Further, you must also make disclosure in accordance with Rule 7.01(1) of the *Discipline Committee Rules of Procedure of the College of Kinesiologists of Ontario*, which states as follows:

7.01(1) Subject to Rule 10.05 and any other statutory requirements related to disclosure, a party to a hearing shall, at least ten (10) days before the hearing,

(a) disclose to the other party the existence of every document and thing that the party will refer to or give in evidence at the hearing; and/or

(b) produce to the other party a witness statement for any witness to be called by that party, or for any witness where a statement does not exist, a summary of the evidence that the witness will give at the hearing, including in either case, the name and contact information for the witness, the substance of the evidence of the witness and any document that the witness will refer to.

Date:

Sept 11/19



BRENDA KRITZER

Registrar
College of Kinesiologists of Ontario

TO: **JENNIFER HUDSON**



STATEMENT OF SPECIFIED ALLEGATIONS

The Member

1. Jennifer Hudson (“the Member”) became a member of the College of Kinesiologists of Ontario (the “College”) in or around April 2013.
2. At all relevant times, the Member was in the General Class.

Quality Assurance Program

3. Pursuant to s. 82(1) of the *Health Professions Procedural Code* (the “Code”) and s. 4(1) of Regulation 29/13 (the “Quality Assurance Program Regulation”), members in the General class are required to comply with the requirements of the College’s Quality Assurance Program which include self-assessment, continuing education and professional development activities annually.
4. Pursuant to s. 7 of the Quality Assurance Program Regulation, a member shall undergo a peer and practice assessment (PPA) if the member’s records do not demonstrate that the member has engaged in adequate self-assessment, continuing education or professional development activities.

Failure of Member to comply with Quality Assurance Program

5. The Member did not complete the 2017 self-assessment which is a mandatory component of the Quality Assurance Program.
6. As a result, on or about September 18, 2018, the Member was advised that she was required to participate in the PPA.
7. The Member failed to respond to numerous written queries and requests from the College regarding the PPA.
8. The Member failed to complete the PPA.

Acts of Professional Misconduct

9. As a result of the above, it is alleged that the Member engaged in professional misconduct pursuant to s. 51(1)(c) of the Code, as set out in one or more of the following paragraphs of section 1 of Ontario Regulation 316/12:
 - a. **Paragraph 40** - Contravening, by act or omission, a provision of the Act, the *Regulated Professions Act, 1991* or the regulations under either of those Acts;

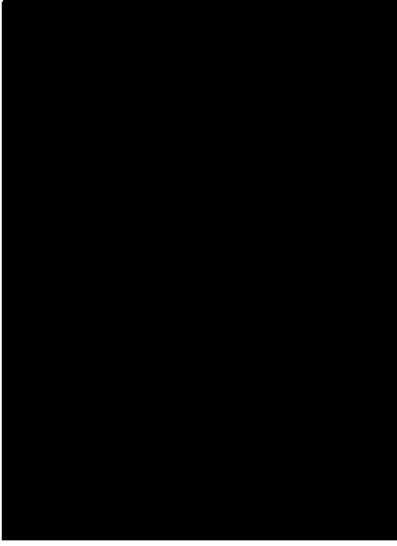
- b. **Paragraph 48** - Failing to reply appropriately and within a reasonable time to a written inquiry or request from the College; and/or
 - c. **Paragraph 50** - Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
10. In addition, it is alleged that the Member engaged in professional misconduct pursuant to s. 51(b.0.1) of the Code as she failed to co-operate with the Quality Assurance Committee.

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent with this Notice of Hearing.
2. The *Discipline Committee Rules of Procedure of the College of Kinesiologists of Ontario* have been sent with this Notice of Hearing.
3. Take notice that the documents that have been and may later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
4. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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COLLEGE OF KINESIOLOGISTS OF ONTARIO

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Solicitors for the College of Kinesiologists of
Ontario