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IN THE MATTER OF AN INQUIRY UNDER PART 6
OF THE HEALTH AND SOCIAL CARE PROFESSIONALS ACT 2005

RE: MR. IGOR CASTRO - PT043675

HEARING BEFORE THE PROFESSIONAL CONDUCT COMMITTEE

HELD VIA TEAMS

ON

FRI DAY, 31ST JANUARY 2025

Gwen Malone Stenography
Services certify the
following to be a
verbatim transcript of
their stenographic notes
in the above-named
action

GWEN MALONE STENOGRAPHY
SERVICES

ATTENDANCES

COMMITTEE MEMBERS: MS. GERALDINE FEENEY
MS. AILEEN SHEEHAN
MR. DAVID TIGHE

LEGAL ASSESSOR: MR. FRANK BEATTY SC

FOR THE REGISTRAR: MS. CAOIMHE DALY BL

INSTRUCTED BY: MS. RUTH GAHAN
FIELD FISHER SOLICITORS

FOR THE REGISTRANT: MR. SHAUN SMYTH BL

INSTRUCTED BY: MR. CONOR RUANE
RUANE AND COMPANY SOLICITORS

ALSO PRESENT: MR. IGOR CASTRO
REGISTRANT

MR. KEVIN KELLY BL
PUPIL TO MS. DALY

MR. PEARSE COLLINS BL
PUPIL TO MR. SMYTH

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1 THE HEARING COMMENCED ON FRIDAY, 31ST JANUARY 2025,
2 AS FOLLOWS:

3 CHAIRPERSON: Good morning.

4
5 We are meeting here this morning for the Committee of
6 Inquiry to furnish its findings in respect of an
7 Inquiry held on 10th December 2024 into Igor Castro,
8 registered physiotherapist; registration number:
9 PT043675.

08:06

10
11 The following are the findings of the Committee:
12 Allegation 1: That the Respondent being a registered
13 physiotherapist practising at the practice premise in
14 or around October 2023 administered Liztox, a Korean
15 brand of botulinum (Botox) at the practice premises to
16 one or more of the following clients: Client A and/or
17 Client B and/or Client C., when such administration
18 fell outside of the scope of practice of a registered
19 physiotherapist.

08:07

20
21 FINDINGS AS TO FACT:

22 The Committee finds Allegation 1 proved as to fact
23 beyond reasonable doubt.

24
25 REASONS:

26 Allegation 1 was proved as to fact beyond reasonable
27 doubt by reason of:

- 28 1. The admission of the Respondent;
29 2. The uncontroverted evidence of Mr. Ciarán Wright,

1 Enforcement Officer, Health Products Regulatory
2 Authority, dated 16th April 2024, including the
3 uncontroverted evidence of Ms. Joanne Kissane, as
4 contained in her statement dated 19th April, and as
5 contained in appendices D and E;

08:08

6 3. The uncontroverted evidence of Mr. Kevin O'Donnell,
7 as contained in his expert statement concerning Liztox
8 Clostridium Botulinum Toxin Type A, dated 16th July
9 2024.

10
11 FINDINGS AS TO POOR PROFESSIONAL PERFORMANCE:

12 The Committee finds Allegation 1 as proven,
13 individually constitutes poor professional performance
14 beyond reasonable doubt.

15
16 REASONS:

17 Allegation 1 was proved as to poor professional
18 performance beyond reasonable doubt by reason of:

19 1. The admission of the Respondent;

20 2. The uncontroverted evidence Mr. Ciarán Wright,
21 Enforcement Officer, Health Products Regulatory
22 Authority dated 16th April 2024, including the
23 uncontroverted evidence of Ms. Joanne Kissane, as
24 contained in her statement dated 19th April, as
25 contained in appendices D and E.

08:09

26 3. The uncontroverted evidence of Mr. Kevin O'Donnell,
27 as contained in his expert statement concerning Liztox
28 injection Clostridium Botulinum Toxin Type A, and dated
29 16th July 2024.

08:10

1 4. By reason of the uncontroverted evidence
2 Ms. Margaret Hanlon, chartered physiotherapist, as
3 contained in her report.
4

5 FINDINGS AS TO PROFESSIONAL MISCONDUCT:

08:10

6 The Committee finds Allegation 1 as proved individually
7 constitutes professional misconduct beyond reasonable
8 doubt as being a breach of paragraphs 7A, 7B, 9A, 9B,
9 9F, 9G, and 22.1(c) of the Code of Conduct.
10

11 REASONS:

12 Allegation 1 was proved as to professional misconduct
13 beyond reasonable doubt by reasons of:

14 1. The admission of the Respondent;

15 2. The uncontroverted evidence of Mr. Ciarán Wright,
16 Enforcement Officer, Health Product Regularly
17 Authority, dated 16 April 2024, including the
18 uncontroverted evidence of Ms. Joanne Kissane, as
19 contained in her statement dated 19th April, as
20 contained in appendices D to E.

08:11

21 3. The uncontroverted evidence of Mr. Kevin O'Donnell,
22 as contained in his expert statement concerning Liztox
23 injection Clostridium Botulinum Toxin Type A, dated
24 16th July 2024.

25 4. By reason of the uncontroverted evidence of
26 Ms. Margaret Hanlon, chartered physiotherapist, as
27 contained in her report.
28

08:12

29 Allegation 2: That the Respondent being a registered

1 physiotherapist practising at a practice premises
2 between in and/or October 2023 and in and around
3 November 2023, published one or more posts via
4 Instagram accounts @iglcastro and/or
5 @igocastropainrelief, promoting the fact that he was 08:12
6 administering Botox to clients/patients when such
7 administration fell outside the scope of practice of a
8 registered physiotherapist.

9
10 FINDINGS AS TO FACT:

11 The Committee finds Allegation 2 proved as to the fact
12 beyond reasonable doubt.

13
14 REASONS:

15 Allegation 2 was proved as to fact beyond reasonable 08:13
16 doubt by reason of:

- 17 1. The admission of the Respondent;
18 2. The uncontroverted evidence of Mr. Ciarán Wright,
19 Enforcement Officer, Health Products Regulatory
20 Authority, dated 16 April 2024, including the 08:13
21 uncontroverted evidence of Ms. Joanne Kissane, as
22 contained in her statement dated 19th April, as
23 contained in appendices D and E.
24 3. The uncontroverted evidence of Mr. Kevin O'Donnell,
25 as contained in his expert statement concerning Liztox 08:13
26 injection Clostridium Botulinum Toxin Type A, dated
27 16th July 2024.

28
29 FINDINGS AS TO POOR PROFESSIONAL PERFORMANCE:

1 The Committee finds Allegation 2 as proved
2 individually, constitutes poor professional performance
3 beyond reasonable doubt.

4
5 REASONS:

08:14

6 Allegation 2 was proved as to poor professional
7 performance beyond reasonable doubt by reasons of:

8 1. The admission of the Respondent;

9 2. The uncontroverted evidence of Mr. Ciarán Wright,
10 Enforcement Officer, Health Products Regulatory
11 Authority, dated 16th April 2024, including the
12 uncontroverted evidence of Ms. Joanne Kissane, as
13 contained in her statement dated 19th April, as
14 contained in appendices D and E.

08:14

15 3. The uncontroverted evidence of Mr. Kevin O'Donnell,
16 as contained in his experts statement concerning Liztox
17 injection Clostridium Botulinum Toxin Type A, dated
18 16th July 2024; and

08:14

19 4. By reason of the uncontroverted of Ms. Margaret
20 Hanlon, chartered physiotherapist, as contained in her
21 report.

08:15

22
23 FINDINGS AS TO PROFESSIONAL MISCONDUCT:

24 The Committee finds Allegation 2, as proved,
25 individually constitutes poor professional performance
26 beyond reasonable doubt as being a breach of paragraphs
27 3.1(b), 4.2(a), 26(a) of the Code of Conduct.

08:15

28
29 REASONS:

Allegation 2 was proved as to poor professional performance beyond reasonable doubt by reason of:

1. Admission of the Respondent;
2. The uncontroverted evidence of Mr. Ciarán Wright Enforcement Officer, Health Products Regulatory Authority dated 16th April 2024, including the uncontroverted evidence of Ms. Joanne Kissane, as contained in her statement dated 19th April, and as contained in appendices D and E.
3. The uncontroverted of Mr. Kevin O'Donnell, as contained in his expert statement concerning Liztox injection Clostridium Botulinum Toxin Type A, dated 16th July 2024; and
4. By reason of the uncontroverted evidence of Ms. Margaret Hanlon, chartered physiotherapist, as contained in her report.

08:16

08:16

08:16

[..Break in connection...] considers it appropriate to specify.

The Committee recommends that the Council directs the imposition of sanction of suspension on the Respondent's registration for a period of three months, from the date that such sanction becomes effective pursuant to section 66(1)(c) of the 2005 Act, the recommended sanction.

08:17

RATIONALE FOR SANCTION:

1. The Committee has made findings in relation to

1 Allegations 1 and 2, which include that from October
2 2023 the Respondent administered Liztox, Korean
3 Botulinum Toxin, at his physiotherapist practice to
4 three clients, when such administration fell outside
5 the scope of practice of a registered physiotherapist 08:17
6 and that between the dates of in or around October 2023
7 and in or around November 2023, the Respondent
8 published one or more posts via his Instagram account
9 promoting the fact that he was administering Botox to
10 clients/patients, when such administration fell outside 08:18
11 the scope of practice of a registered physiotherapist.
12 2. These findings are very serious and go to the issue
13 of public safety. This is evident from the expert
14 statement concerning Liztox injection Clostridium
15 Botulinum Toxin Type A, authored by Dr. Kevin O'Donnell 08:18
16 and dated 16th July 2024, and the statement of
17 Mr. Ciarán Wright, Enforcement Officer, Health Products
18 Regulatory Authority, dated 16th April 2024, including
19 appendices A to E.
20 3. The Committee also relies on the uncontroverted 08:19
21 evidence contained in the expert report of Ms. Margaret
22 Hanlon, chartered physiotherapist, wherein she states
23 that:
24
25 "Allegation 1 constitutes professional misconduct as
26 being a breach of paragraph 7A, 7B, 9A, 9B, 9F, 9G and
27 22.1(c) of the Code of Professional Code of Ethics."
28
29 Further, considering the fact that patients were misled

1 and potentially put at risk, the behaviour the subject
2 of the findings at allegation 1, was a serious breach
3 of the Code of Conduct and, therefore, constitutes a
4 professional misconduct.

5
6 Further, in relation to Allegation 1, Ms. Hanlon was of
7 the opinion that it constitutes poor professional
8 performance as the use of Botox is not within the scope
9 of practice of a physiotherapist and the lack of care
10 for patient safety that this behaviour demonstrates, 08:20
11 and it is a serious demonstration of poor professional
12 performance.

13 4. In relation to Allegation 2, Ms. Hanlon felt that
14 this professional misconduct, by reason that it was a
15 breach of paragraph 3.1(b), 4.(2)(a) and 26(a) of the 08:20
16 Code of Conduct and was behaviour that was misleading
17 and put service users at risk, such that it was a
18 serious breach of the rules and regulations that amount
19 to professional misconduct.

20
21 In relation to Allegation 2, Ms. Hanlon was of the view
22 the allegation, as found, constituted poor professional
23 performance as the Respondent advertised on social
24 media that he was offering a service that was not
25 within the scope of practice of physiotherapy, using 08:21
26 unlicensed products, which the Respondent was not
27 legally qualified to administer; using potentially
28 harmful substance and put patients at risk and
29 demonstrated extremely poor judgement and brought the

1 profession into disrepute.

2
3 In the opinion of Ms. Hanlon it demonstrates a serious
4 breach of the accepted norms and competencies of the
5 profession and amounts to poor professional
6 performance.

08:21

7 5. For these reasons, the Committee considered that
8 except for the mitigating factors identified below, the
9 appropriate sanction was cancellation of the
10 Respondent's registration pursuant to section 66(1)(d)
11 of the 2005 Act.

08:22

12 6. In light of the following mitigating circumstances
13 (identified below) the Committee recommends the
14 recommended sanction: a three-month suspension:

15 (a) In relation to Allegation 1 and 2, the Respondent
16 cooperated with the authorities and particularly in the
17 Health and Products Regulatory Authority from the very
18 outset of the investigation and made complete
19 admissions in relation to his conduct, which
20 demonstrated acknowledgement and insight regarding his
21 wrongdoing. This insight continued from that time
22 until the conclusion of the inquiry.

08:22

08:23

23
24 In this respect the Committee noted that the Respondent
25 took an entirely constructive approach in relation to
26 the investigations leading to the inquiry and to the
27 inquiry itself, making full admission and allowing
28 documents, including statements and reports, to be
29 admitted without formal proof as to the truth of their

08:23

1 content.

2
3 This demonstrated complete acceptance by the Respondent
4 of the fact and seriousness of the conduct and saved
5 considerable time and resources in relation to the
6 inquiry.

08:23

7
8 The Committee is satisfied from this insight and the
9 sworn evidence of the Respondent, in conjunction with
10 the Statement of Regret, that there is little or no
11 risk of him repeating the alleged conduct;

08:24

12
13 (b) The Committee considered the references of [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

08:24

20 [REDACTED], which references vouch for the
21 Respondent as a conscientious and good physiotherapist
22 and wishes to continue working as a physiotherapist.

08:25

23
24 (c) In addition to this the Committee was impressed
25 with the fact that the Respondent is undertaking
26 continual education as regards physiotherapy for the
27 purpose of improving his skills and focusing on
28 providing physiotherapy services.

08:25

29 7. The Committee recommended the recommended sanctions

1 for the following reasons:

2 (a) the sanction highlights to the Respondent the
3 serious view taken to the extent and nature of the
4 misconduct to deter him from being likely to be guilty
5 of similar or like misconduct when he resumes practice; 08:25

6 (b) in particular, the recommended sanctions point to
7 the gravity of professional conduct to other members of
8 the profession whereby upholding the reputation of the
9 profession in maintaining public confidence in the
10 profession and the regulatory process and for the 08:26
11 purpose of declaring and upholding professional
12 standards;

13 (c) the sanction is necessary to protect the public.
14 The misconduct raises issues of public safety albeit
15 the Committee accepts that there is little or no risk 08:26
16 that the Respondent will repeat the conduct;

17 (d) the sanction of three months' suspension is
18 proportionate and affords the Respondent as much
19 leniency as is appropriate. In this respect the
20 sanction of a three-month suspension is appropriate to 08:26
21 the findings made and is aimed at correcting and
22 deterring breaches of the Code of Conduct that serves
23 the public. It weighs up the interest of the public
24 and the interest of the Respondent.

25
26 The Committee considered each of the lesser sanctions
27 individually and in combination, provided for at
28 section 66 of the 2005 Act, but did not consider that
29 such sanctions were appropriate or sufficient whether

1 individually or in combination.

2
3 The Committee considers that the period of three months
4 regarding the suspension is appropriate as it balances
5 the seriousness of the misconduct, the mitigating 08:27
6 circumstances identified above, and allows the
7 Respondent to continue working in his chosen
8 profession, following the period of suspension; which
9 time period also gives him an opportunity to reflect
10 and acquire further insight. 08:28

11
12 The Committee did not consider admonishment, censure or
13 the imposition of conditions as appropriate or
14 proportionate, individually or together, in
15 circumstances where the conduct the subject of the 08:28
16 findings was so serious and went to public safety, such
17 that the more serious sanction of a three-month
18 suspension was necessary to highlight to other members
19 of the profession the seriousness of the conduct found.
20 8. The Committee has considered the CORU's sanction 08:28
21 guidance notes, including the factors to be considered
22 when imposing and/or recommending sanctions, including
23 the sanction of suspension.

24
25 This is the Committee's findings. The Committee's full 08:28
26 report will be sent to counsel in due course.

27
28 This now concludes the Inquiry and I would like to
29 thank the parties, once again, for their participation

1 on December 10th last and, again, this morning -
2 everybody had an early rise, apologies for that, we'll
3 blame Ms. Daly! As I said, thank you very much and
4 that now concludes the Inquiry. Thank you.

5 MR. SMYTH: Thank you, Chair. Can I just thank the
6 Committee on behalf of Mr. Castro for its very careful
7 consideration of all relevant matters. Very much
8 obliged.

08:29

9
10 THE HEARING CONCLUDED