

Strictly Private and Confidential

**REPORT OF PROFESSIONAL CONDUCT COMMITTEE FOLLOWING AN INQUIRY HELD
PURSUANT TO SECTION 58 OF THE HEALTH AND SOCIAL CARE PROFESSIONALS ACT
2005 ("THE ACT")**

Name of Registrants: Anna Marie Stack Rivas (the Respondent)

Registrants in Attendance: Yes

Registration Board: Physiotherapists Registration Board

Register: Physiotherapists

Registration No: PT031856

Registered Address: [REDACTED]
[REDACTED]
[REDACTED]

Case Number: [REDACTED]

Date(s) of Inquiry: 21 June, 17 July, 25 September, 26 September and 1 November 2023

Members of Inquiry Committee: Georgina Farren - Chairperson
Aileen Sheehan – Physiotherapist Registrant Member
Daithí Tighe - Radiographers Registrant Member

Legal Assessor: Frank Beatty SC

Appearances:

For the Registrar: Mr. Eoghan O’Sullivan Instructed by Fieldfisher Solicitors

For the Registrant: Ms. Elaine Finneran Instructed by Hayes McGrath Solicitors

Public

The Nature of the Complaint that resulted in the Inquiry:

The Preliminary Proceedings Committee (“the Preliminary Committee”), on 21 April 2021, and having considered all information furnished to it in relation to the complaint of the Registrar of Physiotherapy Registration Board pursuant to Part 6 of the Act, was of the opinion that there was sufficient cause to warrant further action being taken in relation to the Complaint against the Respondent on the grounds of professional misconduct within the meaning of Section 52(1)(a) and as those terms are defined by Section 50 of the Act.

The Preliminary Committee referred the complaint to the Professional Conduct Committee on the grounds of professional misconduct as set out in section 52(1)(a) of the Act.

The Notice of Inquiry contained the following allegations as against the Respondent: -

1. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[Redacted]

2.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

a.

[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

█ [REDACTED]

Evidence presented to the Committee:

The Committee received the following transcripts containing agreed narrative: -

1. [REDACTED]

█ [REDACTED]

█ [REDACTED]

The Committee heard viva voce evidence from the following witnesses on behalf of the Registrar:

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

The Committee heard viva voce evidence from the following witnesses on behalf of the Respondent:

█ [REDACTED]

█ [REDACTED]

The Committee considered the following exhibits:

[REDACTED]

Findings of the Committee:

Allegation 1(a)

[REDACTED]

Finding as to Fact

The Committee found Allegation 1(a) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 1(a) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 1(a) was not proved as to professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The words the subject of Allegation 1(a) were spoken at a relatively early stage of the Covid-19 pandemic when the nature of the illness and the pandemic was not understood and where there remained an element of fear. For example, the Committee notes the evidence of [REDACTED] which confirmed that it was not known originally whether the Covid-19 virus was an airborne infection and that it took quite a long time for there to be conclusive

evidence to support this and she described this as an *evolution* in her evidence. In making the statement the subject of Allegation 1(a), the Respondent should be given the benefit of the fact that the Covid-19 pandemic was relatively new.

4. Further, the words spoken by the Respondent, the subject of Allegation 1(a) had some basis insofar as [REDACTED] acknowledged (see page 20 of the transcript for Day 2) that there was a spectrum of illness with Covid-19 and that some people, healthy and young people, suffered relatively mild symptoms of the disease. In addition, the Committee note that the Respondent acknowledges in her statement the subject of Allegation 1(a) that she believes Covid-19 to be real.
5. The Committee heard evidence from [REDACTED], the expert called on behalf of the Registrar. In this respect, several matters were raised prior to and during cross examination of [REDACTED]. The Committee accepts that these issues were correctly raised by the Respondent and that her previous professional relationship with the head of legal of CORU should have been disclosed by her in her report. However, the Committee is satisfied that the non-disclosure in her report was mere inadvertence. The Committee assessed [REDACTED] evidence and is satisfied that her evidence was uninfluenced as to form or content by her previous professional relationship with the head of legal in CORU, and constituted her objective and unbiased opinion in an area where the Committee is satisfied she held an expertise.
6. In assessing [REDACTED] evidence, the Committee has considered her report and her *viva voce* evidence including during cross examination and has relied on the evidence where appropriate as shall be clear from the Committee's assessment of her evidence as regards each of the Allegations. However, there is one aspect of [REDACTED] evidence that applied to each of the Allegations 1(a)-(e), 2(a)-(h) and 3(a)-(s) (hereinafter collectively referred to as Allegations 1-3) and this relates to paragraph 4.1(b) of the Physiotherapists Registration Board Code of Conduct and Ethics Bye-Law 2019 (S.I. 45 of 2019) (the Code of Conduct) (paragraph 4.1(b).) provides that a registrant must use social media in a responsible way adopting the same professional standards expected in other forms of communication. There was no evidence that any of the statements the subject of Allegations 1-3 involved the Respondent's use of social media and so no findings were made by the Committee that the said Allegations, if found, constituted professional misconduct based on a breach of paragraph 4.1(b). The Committee accepted [REDACTED] evidence that where she opined that Allegations constituted professional misconduct, individually, by reference to breaches of paragraph 4.1. and other breaches of the Code of Conduct, her opinion did not change if paragraph 4.1. was found by the Committee not to have been breached.

7. ██████████ opines that Allegation 1(a), cumulatively with Allegations 1(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) constitutes professional misconduct. ██████████ relies on reasoning in her report, including:
- (a) The Respondent openly declares her professional standing as a physiotherapist which lends influence to her opinions.
 - (b) There is a consistent pattern of statements that are not backed up by reputable scientific research and that defame and belittle reputable scientists, medical professionals and the health system in the context of a worldwide pandemic of a potentially fatal virus.
 - (c) The evidence of ██████████ as set out at paragraphs 24-25 of her report.
 - (d) That as a physiotherapist, the Respondent is expected to constantly appraise the research so that one is always up to date with best practice guidelines.
 - (e) Paragraph 3.1 of the Irish Society of Chartered Physiotherapists Code of Ethics and an assertion that the Respondent demonstrated lack of sound judgment in proclaiming publicly her belief in many conspiracy theories and in refuting sound scientific research and declaring that fellow colleagues are telling lies thereby bringing the profession into disrepute and embarrassing colleagues and that her behaviour could influence the public to make poor and potentially fatal decisions around protecting themselves and their children.

The Committee does not accept ██████████ opinion that Allegations 1(a)-(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) cumulatively constitute professional misconduct. Whilst the Committee appreciate that it should give great weight to the opinion of an expert, especially where uncontroverted, it considers the opinion that Allegation 1(a), cumulatively with Allegations 1(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r), to be too broad-brush in its approach and reasoning. ██████████ has taken Allegations 1(a)-(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) together cumulatively. However, the Committee considers certain of the allegations not to be serious, even cumulatively as, for example, Allegation 1(a). The Committee is not informed by ██████████ as to the status of Allegations 1(a)-(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r), cumulatively, if one of those allegations is discounted by the Committee. Further, there is a lack of detail and/or evidence as to which statements considered by ██████████ to be serious, cumulatively, are not backed up by reputable scientific research and which statements defamed and belittled reputable scientists, medical professionals and the health system and the Committee is not prepared to make findings speculatively. In addition, on the face of the report, in stating that the said allegations are serious, cumulatively, ██████████ relies on the

Irish Society of Chartered Physiotherapists Code of Ethics and the Committee is not satisfied that the said code has any application to the Respondent.

8. Even if a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct did occur, the Committee does not consider Allegation 1(a) to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 1(b)

[REDACTED]

Finding as to Fact

The Committee found Allegation 1(b) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 1(b) proved as to fact beyond reasonable doubt, by reason that

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 1(b) was not proved as to professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-3 and 5-7 under the reasons for the non-finding of professional misconduct in relation to Allegation 1(a) above, which apply *mutatis mutandis* to the Committee's finding that allegation 1(b) does not amount to Professional Misconduct
2. Further, the words spoken by the Respondent the subject of Allegation 1(b) were made at a time when [REDACTED] accepted that there was an evolution of thinking regarding mask wearing and that there was a spectrum of opinion as regards mask wearing in the community and that everybody was not in agreement.

3. Even if Allegation 1(b) was a breach of paragraphs 3.1.(c) of the Code of Conduct did occur, the Committee does not consider Allegation 1(b) to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 1(c)

[REDACTED]

Finding as to Fact

The Committee found Allegation 1(c) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 1(c) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 1(c) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The Committee considered and accepted the evidence of [REDACTED], the expert called on behalf of the Registrar that Allegation 1(c), if proved, constituted professional misconduct, individually. The Respondent identified herself as a physiotherapist when making the comments, which comments had the potential to encourage somebody to do harm to himself or herself and/or alarm them and have them fearful of wearing masks. The comment the

subject of Allegation 1(c) is scientifically untrue and has no scientific backup. The Committee notes and accepts the evidence of [REDACTED] that the statements the subject of Allegation 1(c) constitutes a breach of Code of Conduct 3.1(b) and 3.2(d). The Committee does not accept that the statement the subject of Allegation 1(c) constitutes a breach of paragraph 4.1(b) for the reasons set out at paragraph numbered 6 of the reasons for the non-finding of professional misconduct under Allegation 1(a) relating to professional misconduct, insofar as it relates to paragraph 4.1(b) of the Code of Conduct. In this respect, [REDACTED] was tested during her cross examination as to her failure to use the word serious in her report as regards those allegations which she found to be serious, and her response was that where she found a breach of the Code of Conduct to be serious, she used the term “breach” of the relevant paragraph of the Code of Conduct. The Committee agree that this explanation was a little confusing but considered [REDACTED] to be clear and convincing in her viva voce evidence as regards the allegations which she opined were individually serious. The Committee does not consider [REDACTED] referring in previous reports to the Social Workers Code of Conduct as being material and is satisfied that she directed herself correctly to the Code of Conduct.

4. Further, the Committee is satisfied, independent of the opinion of [REDACTED], that Allegation 1(c), as proved, constitutes a breach of the Code of Conduct and meets the seriousness threshold, and constitutes professional misconduct beyond reasonable doubt. When making the statement, the Respondent identified herself as a physiotherapist and so the words were spoken with reference to her status as a healthcare professional and asserted that face masks were, as a matter of fact, going to make those using them sick. Regardless of the merit of the facemasks in defeating Covid-19 or the Respondent’s view of facemasks, there was no basis for the Respondent to claim that they made people sick, and this was in the Committee’s view a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct. As stated above, the Committee does not consider the statement to a breach paragraph 4.1(b). of the Code of Conduct as there was no evidence that the Respondent used social media.

Allegation 1(d)

[REDACTED]

Finding as to Fact

The Committee found Allegation 1(d) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 1(d) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED]
[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 1(d) was not proved as to professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-3 and 5-7 under the reasons for the non-finding of professional misconduct in relation to Allegation 1(a) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 1(d) does not amount to Professional Misconduct
2. As stated, the words were spoken at a relatively early stage of the Covid-19 pandemic when the nature of the illness was less understood. Further, the words spoken by the Respondent, the subject of Allegation 1(d) were made at time when [REDACTED] accepted that there was an evolution of thinking regarding mask wearing and that there was a spectrum of opinion as regards mask wearing in the community and that everybody was not in agreement.
3. Even if a breach of paragraphs 3.1.(b) and 3.2(d) of the Code of Conduct did occur, the Committee does not consider Allegation 1(d) to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 1(e)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Finding as to Fact

The Committee found Allegation 1(e) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 1(e) proved as to fact beyond reasonable doubt, [REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 1(e) was not proved as to professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-3 and 5-7 under the reasons for the non-finding of professional misconduct in relation to Allegation 1(a) above, which apply *mutatis mutandis* to the Committee's finding that allegation 1(e) does not amount to Professional Misconduct
2. As stated, the Committee notes that the words were spoken at a relatively early stage of the Covid-19 pandemic when the nature of the illness was less understood. Whilst the Committee found the statement the subject of Allegation 1(e) to be assertive in its tone, and somewhat divisive, it does not consider Allegation 1(e) to be sufficiently serious, even if a breach of paragraphs 3.1.(b), 3.1(c) and 3.2(d) of the Code of Conduct individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 2(a)

Finding as to Fact

The Committee found Allegation 2(a) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(a) proved as to fact beyond reasonable doubt, [REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 2(a), in combination with Allegations 3(g), 3(j) and 3(o) as proved, was proved as to professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. ██████████ opines that Allegation 2(a), cumulatively with Allegations 1(a)-(b), 1(d)-(e), 2(b)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) constitutes professional misconduct. ██████████ relies on reasoning in her report, including:
 - (a) The Respondent openly declares her professional standing as a physiotherapist which lends influence to her opinions.
 - (b) There is a consistent pattern of statements that are not backed up by reputable scientific research and that defame and belittle reputable scientists, medical professionals and the health system in the context of a worldwide pandemic of a potentially fatal virus.
 - (c) The evidence of ██████████ as set out at paragraphs 24-25 of her report.
 - (d) That as a physiotherapist, the Respondent is expected to constantly appraise the research so that one is always up to date with best practice guidelines.
 - (e) Paragraph 3.1 of the Irish Society of Chartered Physiotherapists Code of Ethics and an assertion that the Respondent demonstrated lack of sound judgment in proclaiming publicly her belief in many conspiracy theories and in refuting sound scientific research and declaring that fellow colleagues are telling lies thereby bringing the profession into disrepute and embarrassing colleagues and that her behaviour could say the public to make poor and potentially fatal decisions around protecting themselves and their children.

The Committee does not accept ██████████ opinion that Allegations 1(a)-(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) cumulatively constitute profession misconduct. Whilst the Committee appreciate that it should give great weight to the opinion of an expert, especially where uncontroverted, it considers the opinion that Allegation 2(a), cumulatively with Allegations 1(a)-(b), 1(d)-(e), 2(b)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r), to be too

broad-brush in its approach and reasoning. [REDACTED] has taken Allegations 1(a)-(b), 1(d)-(e), 2(b)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) together cumulatively. However, the Committee considers certain of the allegations not to be serious, even cumulatively as, for example, Allegation 1(a). The Committee is not informed by [REDACTED] as to the status of Allegations 1(a)-(b), 1(d)-(e), 2(b)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r), cumulatively, if one of those allegations is discounted by the Committee. Further, there is a lack of detail and/or evidence as to which statements considered by [REDACTED] to be serious, cumulatively, are not backed up by reputable scientific research and which statements defamed and belittled reputable scientists, medical professionals and the health system and the Committee is not prepared to make findings speculatively. In addition, on the face of the report, the reasoning finding that the allegations are serious, cumulatively, relies on the Irish Society of Chartered Physiotherapists Code of Ethics and the Committee is not satisfied that the said code has any application to the Respondent.

4. However, the Committee accepts [REDACTED] evidence that Allegation 2(a) constitutes a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct and that, as an isolated finding, it is not sufficiently serious to constitute professional misconduct. However, the Committee is satisfied that Allegation 2(a), in combination with the findings of fact and breach of the Code in relation to Allegations 3(j), 3(g) and 3(o) constitutes professional misconduct. The uncontroverted evidence was that, in December 2020, the pandemic existed, and denying this, and characterising the pandemic as a conspiracy was baseless and irresponsible and had the risk of influencing her audience who could act on such misinformation and cause harm to public safety. In this respect, the Committee accepts the evidence of [REDACTED] that Corona Virus was designated by the World Health Organisation as a pandemic in March 2020 and that, on 11 March 2020, there were more than 118,000 cases in 114 countries (and thousands more fighting for their lives) and that the numbers fulfilled every criterion as a pandemic well before December 2020. In this respect, the Respondent submitted that if an allegation, proved, was not considered to constitute professional misconduct as not meeting the seriousness threshold, it would be inappropriate for the Committee to find that the said Allegation constituted professional misconduct in aggregate with other allegations, proved as to fact but not considered sufficiently serious in isolation. The Committee does not accept this submission in relation to Allegations 2(a), 3(g), 3(j) and 3(o) in circumstances where all of these allegations amount to the Respondent denying the Covid-19 virus, questioning the existence of the pandemic and/or labelling it as a conspiracy, and/or describing colleagues as unethical. Taken together, the allegations constitute a series or pattern of assertions that misinformed and/or potentially misinformed the Respondent's audience. This is especially the case given that the said statements were contrary to the statement made by the Respondent on 29 June 2020, the subject of Allegation 1(a), wherein she stated that she thought the virus was "real". In these circumstances, the Committee consider it appropriate to find that the said allegations, whilst not individually serious, are serious when taken in combination and repeated on numerous and different occasions.

Allegation 2(b)

[REDACTED]

Finding as to Fact

The Committee found Allegation 2(b) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(b) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED].

Finding as to Professional Misconduct

The Committee found Allegation 2(b) was not proved as to professional misconduct beyond reasonable doubt.

Reasons: -

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The Committee heard evidence from [REDACTED], the expert called on behalf of the Registrar. In this respect, several matters were raised prior to and during cross examination of [REDACTED]. The Committee accepts that this issue was correctly raised by the Respondent and that her previous professional relationship with the head of legal of CORU should have been disclosed but is satisfied that the non-disclosure in her report was mere inadvertence. The Committee assessed [REDACTED] evidence and is satisfied that her evidence was uninfluenced as to form or content by her previous professional relationship with head of legal in CORU, and constituted her objective and unbiased opinion in an area where she held an expertise.

4. In assessing [REDACTED] evidence, the Committee has considered her report and her *viva voce* evidence including during cross examination and has relied on the evidence where appropriate as shall be clear from the Committee's assessment of her evidence as regards each of the Allegations. Paragraph 4.1(b) of the Code of Conduct provides that a registrant must use social media in a responsible way adopting the same professional standards expected in other forms of communication. There was no evidence that the statement the subject of Allegations 2(b) involved the Respondent's use of social media and so no finding is made by the Committee that Allegation 2(b), as found, constitutes professional misconduct based on a breach of paragraph 4.1(b).
5. [REDACTED] opines that Allegation 2(b), cumulatively with Allegations 1(a)-(b), 1(d)-(e), 2(a), 2(c)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) constitutes professional misconduct. [REDACTED] relies on reasoning in her report, including:
- (a) The Respondent openly declares her professional standing as a physiotherapist which lends influence to her opinions.
 - (b) There is a consistent pattern of statements that are not backed up by reputable scientific research and that defame and belittle reputable scientists, medical professionals and the health system in the context of a worldwide pandemic of a potentially fatal virus.
 - (c) The evidence of [REDACTED] as set out at paragraphs 24-25 of her report.
 - (d) That as a physiotherapist, the Respondent is expected to constantly appraise the research so that one is always up to date with best practice guidelines.
 - (e) Paragraph 3.1 of the Irish Society of Chartered Physiotherapists Code of Ethics and an assertion that the Respondent demonstrated lack of sound judgment in proclaiming publicly her belief in many conspiracy theories and in refuting sound scientific research and declaring that fellow colleagues are telling lies thereby bringing the profession into disrepute and embarrassing colleagues and that her behaviour could say the public to make poor and potentially fatal decisions around protecting themselves and their children.

The Committee does not accept [REDACTED] opinion that Allegations 1(a)-(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) cumulatively constitute professional misconduct. Whilst the Committee appreciate that it should give great weight to the opinion of an expert, especially where uncontroverted, it considers the opinion that Allegation 2(b), cumulatively with Allegations 1(a)-(b), 1(d)-(e), 2(a), 2(c)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r), to be too broad-brush in its approach and reasoning. [REDACTED] has taken Allegations 1(a)-(b), 1(d)-(e), 2(a), 2(c)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) together cumulatively.

However, the Committee considers certain of the allegations not to be serious, even cumulatively as, for example, Allegation 1(a). The Committee is not informed by [REDACTED] as to the status of Allegations 1(a)-(b), 1(d)-(e), 2(a), 2(c)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r), cumulatively, if one of those allegations is discounted by the Committee. Further, there is a lack of detail and/or evidence as to which statements are considered by [REDACTED] to be serious, cumulatively, are not backed up by reputable scientific research and which statements defamed and belittle reputable scientists, medical professionals, and the health system and the Committee is not prepared to make findings speculatively. In addition, on the face of the report, [REDACTED] considers the said allegations to be serious cumulatively based on the Irish Society of Chartered Physiotherapists Code of Ethics and the Committee is not satisfied that the said code has any application to the Respondent.

6. Even if a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct did occur, the Committee does not consider Allegation 2(b) to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 2(c)

[REDACTED]

Finding as to Fact

The Committee found Allegation 2(c) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(c) proved as to fact beyond reasonable doubt, by [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 2(c) was not proved as to professional misconduct beyond reasonable doubt.

Reasons: -

1. The Committee relies on the reasoning as set out paragraphs numbered 1-6 under the reasons for the non-finding of professional misconduct in relation to Allegation 2(b) above, which apply *mutatis mutandis* to the Committee's finding that allegation 2(c) does not amount to Professional Misconduct

2. The Committee notes the evidence of [REDACTED] that, whilst the statement the subject of Allegation 2(c) is not in her opinion true, it is the case that there were people who died due to a multiplicity of factors, but that Covid-19 was listed so that it might have been over-weighted a little. Considering this evidence, the Committee accepts that there might have been a somewhat arbitrary picture as regards people being registered as dying of Covid when there were other factors involved in the death, which were not listed as the reason for their death. In these circumstances, the Committee considers the Respondent to be entitled to the benefit of any doubt as regards whether the deaths were over-weighted to Covid-19 so that the statement by the Respondent in terms of Allegation 2(c) was at most an overstatement so that it is not sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

3. Even if a breach of paragraphs 3.1.(b) and 3.2(d) of the Code of Conduct did occur, the Committee does not consider Allegation 2(c) to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 2(d)

[REDACTED]

Finding as to Fact

The Committee found Allegation 2(d) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(d) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 2(d) was not proved as to professional misconduct beyond reasonable doubt.

Reasons: -

1. The Committee relies on the reasoning as set out paragraphs numbered 1-6 under the reasons for the non-finding of professional misconduct in relation to Allegation 2(b) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 2(d) does not amount to Professional Misconduct
2. The Committee notes that the statement the subject of Allegation 2(d) is partly inaudible and the remainder talks about care being withdrawn during Covid-19 and the circumstances of peoples’ deaths during the pandemic. The Committee accepts that the statement is highly charged, but even if a breach of paragraphs 3.1.(b), 3.1.(c) and 3.2(d) of the Code of Conduct, the Committee does not consider it to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 2(e)

[Redacted]

Finding as to Fact

The Committee found Allegation 2(e) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(e) proved as to fact beyond reasonable doubt, [Redacted]

Finding as to Professional Misconduct

The Committee found Allegation 2(e) was not proved as to professional misconduct beyond reasonable doubt.

Reasons: -

1. The Committee relies on the reasoning as set out paragraphs numbered 1-6 under the reasons for the non-finding of professional misconduct in relation to Allegation 2(b) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 2(e) does not amount to Professional Misconduct

2. The Committee considers the statement the subject of Allegation 2(e) to be highly charged and inflammatory but has insufficient evidence to assess whether it constitutes misinformation and not that the position of residents in nursing was an issue of public discourse during the pandemic.
3. In these circumstances, the Committee makes no finding that the statement on its face, even if a breach of paragraphs 3.1(b), 3.1(c) and/or 3.2.(d) is sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 2(f)

[REDACTED]

Finding as to Fact

The Committee found Allegation 2(f) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(f) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 2(f) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.

3. The Committee considered and accepted the evidence of [REDACTED] the expert called on behalf of the Registrar that Allegation 2(f), if proved, constituted professional misconduct, individually. The Respondent identified herself as a physiotherapist when making the comments and [REDACTED] stated and the Committee accepts that the statement the subject of Allegation 2(f) is untrue and scary for the audience who hear the comment, and specifically the parents of children such that they may be encouraged to prevent their children from wearing masks and this leads to unsafe practices thereby raising a risk of illness. The Committee notes and accepts the evidence of [REDACTED] that the statements the subject of Allegation 2(f) constitutes a breach of Code of Conduct 3.1(b) and 3.2(d). The Committee does not accept that the statement the subject of Allegation 2(f) constitutes a breach of paragraph 4.1(b) as the Committee is not satisfied that the statement was published in Social Media by the Respondent and notes that [REDACTED] opinion that Allegation 2(f) if proved constitutes professional misconduct even if not a breach of paragraph 4.1(b). In this respect, [REDACTED] was tested during her cross examination as to her failure to use the word serious in her report as regards those allegations which she found to be serious, and her response was that where she found a breach of the Code of Conduct to be serious, she used the term “breach” of the relevant paragraph of the Code of Conduct. The Committee agrees that this explanation was a little confusing but considered [REDACTED] to be clear and convincing in her viva voce evidence as regards the allegations which she opined were individually serious. The Committee does not consider [REDACTED] referring in previous reports to the Social Workers Code of Conduct as being material and is satisfied that she directed herself correctly to the Code of Conduct.
4. Further, the Committee is satisfied, independent of the opinion of [REDACTED], that Allegation 2(f), as proved, constitutes a breach of the Code of Conduct and meets the seriousness threshold, and constitutes professional misconduct beyond reasonable doubt. When making the statement, the Respondent identified herself as a physiotherapist and so the words were spoken with reference to her status as a healthcare worker and asserted that that, after two hours of wearing a mask in school, a parent was causing permanent brain damage to their children that could not be repaired. The Committee accept the uncontroverted evidence of [REDACTED] that there was absolutely no evidence that face masks caused brain damage. In these circumstances, the Committee is satisfied that the statement the subject of Allegation 2(f) went far beyond a freedom of expression and constituted scaremongering that had the potential of causing risk to public safety where masks were one of the measures introduced during the pandemic to reduce the spread of Covid-19. It is the Committee’s view, again independent of the opinion of [REDACTED], that Allegation 2(f), as found, constituted a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct.

Allegation 2(g)

[REDACTED]

Finding as to Fact

The Committee found Allegation 2(g) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(g) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 2(g) was not proved as to professional misconduct beyond reasonable doubt.

Reasons: -

1. The Committee relies on the reasoning as set out paragraphs numbered 1-6 under the reasons for the non-finding of professional misconduct in relation to Allegation 2(b) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 2(g) does not amount to Professional Misconduct
2. The Committee notes that the statement the subject of Allegation 2(g) is partly inaudible, and the remainder talks about masks not being needed or not being effective. The Committee note the evidence of [REDACTED] wherein she accepted that there was an evolution of thinking regarding mask wearing and that there was a spectrum of opinion as regards mask wearing in the community and that everybody was not in agreement. Further, [REDACTED] stated that the effectiveness of masks depends on so many “real world confounders” such as the type of mask and how it is worn, there was sufficient debate regarding the issue of mask wearing to justify a view being taken by the Respondent, even if wrong.
3. In these circumstances, the Committee considers Allegation 2(g), as found, even if a breach of paragraphs 3.1.(b) and 3.2(d) of the Code of Conduct not to be serious, individually, collectively or cumulatively, so as to constitute professional misconduct.

Allegation 2(h)

[REDACTED]

Finding as to Fact

The Committee found Allegation 2(h) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 2(h) proved as to fact beyond reasonable doubt, [REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 2(h) was not proved as to professional misconduct beyond reasonable doubt.

Reasons: -

1. The Committee relies on the reasoning as set out paragraphs numbered 1-6 under the reasons for the non-finding of professional misconduct relation to Allegation 2(b) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 2(h) does not amount to Professional Misconduct.
2. The Committee notes that the statement the subject of Allegation 2(h) speaks to masks dehumanising the person using them and taking away from their humanity. Whilst the Committee consider the language used by the Respondent, namely reference to sinister and satanic symbols, to be excessive and highly charged, the central point goes to the fact that masks by their nature prevent the face being seen. In these circumstances, and considering the evidence of [REDACTED] that the wearing of masks was an evolution of thinking and that there was a spectrum of opinion the Committee considers Allegation 2(h), as found, even if a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct, not to be serious, individually, collectively or cumulatively, so as to constitute professional misconduct.

Allegation 3(a)

[REDACTED]

[REDACTED]

Allegation 3(b)

On or around the 27 December 2020 gave an interview where the Respondent identified herself as

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(a) proved as to fact, beyond reasonable doubt.

The Committee found Allegation 3(b) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(a) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

The Committee found Allegation 3(b) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(a) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

The Committee found Allegation 3(b) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The Committee notes and accepts the uncontroverted evidence of [REDACTED] that the RNA vaccines did not contain neurotoxins or carcinogens and nor does it interact with the DNA in the cell. Further, the Committee considered and accepted the evidence of [REDACTED], the expert called on behalf of the Registrar that Allegation 3(a) and Allegation 3(b), if proved,

each, individually, constituted professional misconduct as each constituted a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct. The Committee does not accept that the statement the subject of Allegation 3(a) and 3(b) constitutes a breach of paragraph 4.1 for the reasons set out at paragraph 6 of the reasons for the non-finding of professional misconduct relating to Allegation 1(a). In this respect, the Committee accepts [REDACTED] evidence that where she opined that Allegations constituted professional misconduct, individually, by reference to breaches of paragraph 4.1 and other breaches of the Code of Conduct, her opinion did not change if paragraph 4.1. was not found to have been breached. [REDACTED] was tested during her cross examination as to her failure to use the word serious in her report as regards those allegations which she found to be serious, and her response was that where she found a breach of the Code of Conduct to be serious, she used the term “breach” of the relevant paragraph of the Code of Conduct. The Committee agrees that this explanation was a little confusing but considered [REDACTED] to be clear and convincing in her viva voce evidence as regards the allegations which she opined were individually serious. The Committee does not consider [REDACTED] referring in previous reports to the Social Workers Code of Conduct as being material and is satisfied that she directed herself correctly to the Code of Conduct.

4. Further, the Committee is satisfied, independent of the opinion of [REDACTED], that Allegations 3(a) and 3(b), as proved, each, individually, constitutes a breach of the Code of Conduct and meets the seriousness threshold, and constitutes professional misconduct beyond reasonable doubt. When making each of the statements, the Respondent identified herself as a physiotherapist and so the words were spoken with reference to her status as a healthcare professional and asserted that neurotoxins and/or carcinogens were used and/or that children were maimed or murdered for the purpose of making the vaccines. On the uncontroverted evidence of [REDACTED] these statements are wrong and had the potential of misinforming the public regarding an important element of the fight against Covid-19 for the purpose of protecting the public. It is the Committee’s view, again independent of the opinion of [REDACTED], that Allegation 3(a) and 3(b), each, individually constituted a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct.

Allegation 3(c)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(c) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(c) proved as to fact beyond reasonable doubt, [REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(c) was not proved to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The Committee notes that the statement the subject of Allegation 3(c) speaks to vaccines in circumstances where [REDACTED] gave evidence regarding vaccines that nothing is one hundred per cent safe and that people may have an idiosyncratic reaction to a vaccine. [REDACTED] gave evidence regarding side effects relating to different Covid-19 vaccines during development. [REDACTED] gave evidence that it is absolutely reasonable for people to think twice about vaccines, especially the Covid-19 vaccine which was developed with such speed.
4. The Committee heard evidence from [REDACTED], the expert called on behalf of the Registrar. In this respect, several matters were raised prior to and during cross examination of [REDACTED]. The Committee accepts that this issue was correctly raised by the Respondent and that her previous professional relationship with the head of legal of CORU should have been disclosed but is satisfied that the non-disclosure in her report was mere inadvertence. The Committee assessed [REDACTED] evidence and is satisfied that her evidence was uninfluenced as to form or content by her previous professional relationship with head of legal in CORU, and constituted her objective and unbiased opinion in an area where she held an expertise.

5. In assessing [REDACTED] evidence, the Committee has considered her report and her *viva voce* evidence including during cross examination and has relied on the evidence where appropriate as shall be clear from the Committee's assessment of her evidence as regards each of the Allegations. Paragraph 4.1(b) of the Code of Conduct provides that a registrant must use social media in a responsible way adopting the same professional standards expected in other forms of communication. There was no evidence that the statement the subject of Allegations 3(c) involved the Respondent's use of social media and so no finding is made by the Committee that Allegation 3(c), as found, constitutes professional misconduct based on a breach of paragraph 4.1(b). The Committee accepts [REDACTED] evidence that where she opined that Allegations constituted professional misconduct, individually, by reference to breaches of paragraph 4.1 and other breaches of the Code of Conduct, her opinion did not change if paragraph 4.1 was found not to have been breached.
6. [REDACTED] opines that Allegation 3(c), cumulatively with Allegations 1(a)-(b), 1(d)-(e), 2(a)-(c)-(e), 2(g)-(h), 3(g), 3(i)-(o), and 3(q)-(r) constitutes professional misconduct. [REDACTED] relies on reasoning in her report, including:
 - (a) The Respondent openly declares her professional standing as a physiotherapist which lends influence to her opinions.
 - (b) There is a consistent pattern of statements that are not backed up by reputable scientific research and that defame and belittle reputable scientists, medical professionals and the health system in the context of a worldwide pandemic of a potentially fatal virus.
 - (c) The evidence of [REDACTED] as set out at paragraphs 24-25 of her report.
 - (d) That as a physiotherapist, the Respondent is expected to constantly appraise the research so that one is always up to date with best practice guidelines.
 - (e) Paragraph 3.1 of the Irish Society of Chartered Physiotherapists Code of Ethics and an assertion that the Respondent demonstrated lack of sound judgment in proclaiming publicly her belief in many conspiracy theories and in refuting sound scientific research and declaring that fellow colleagues are telling lies thereby bringing the profession into disrepute and embarrassing colleagues and that her behaviour could say the public to make poor and potentially fatal decisions around protecting themselves and their children.

The Committee does not accept [REDACTED] opinion that Allegations 1(a)-(b), 1(d)-(e), 2(a)-(e), 2(g)-(h), 3(c), 3(g), 3(i)-(o), and 3(q)-(r) cumulatively constitute professional misconduct. Whilst the Committee appreciate that it should give great weight to the opinion of an expert,

Reasons:

The Committee found Allegation 3(d) proved as to fact beyond reasonable doubt, [REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(d) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The Committee accepted the uncontroverted evidence of [REDACTED] that there was absolutely no evidence that she is aware of, to support that Covid-19 vaccines caused death amongst children and/or caused their whole system to shut down and their kidneys to go into failure. The Committee considered and accepted the evidence of [REDACTED] the expert called on behalf of the Registrar that Allegation 3(d), if proved, individually, constituted professional misconduct. The Respondent identified herself as a physiotherapist when making the comments and [REDACTED] stated that the statements the subject of Allegation 3(d) were not founded in science and had the potential for frightening parents and influencing their behaviour, which went to protecting the public during the pandemic. The Committee notes and accepts the evidence of [REDACTED] that the statement the subject of Allegation 3(d) constitutes a breach of Code of Conduct 3.1.(b), 3.1.(c) and 3.2(d). The Committee does not accept that the statements the subject of Allegation 3(d) constitute a breach of paragraph 4.1(b) of the Code of Conduct as the Committee is not satisfied that the statement was published in Social Media by the Respondent and notes that [REDACTED] opinion that Allegation 3(d), if proved, constitutes professional misconduct even if not a breach of paragraph 4.1(b) of the Code of Conduct.
4. Further, the Committee is satisfied, independent of the opinion of [REDACTED], that Allegation 3(d), individually, meets the seriousness threshold, and constitutes professional misconduct beyond reasonable doubt. When making the statement the subject of Allegation 3(d), the Respondent identified herself as a physiotherapist and so the words were spoken with reference to her status as a healthcare professional and, at a time when Covid-19 vaccines were being developed and were close to being rolled out, she asserted that vaccines cause whole system shutdowns and kidney failure which assertions were unfounded. Further, the

statement suggested that health care professionals were not acting professionally. On the uncontroverted evidence of [REDACTED] these statements are wrong and misinform the public regarding an important element of the fight against Covid-19 for the purpose of protecting the public. It is the Committee's view, again independent of the opinion of [REDACTED] that Allegation 3(d), individually constituted a breach of paragraphs 3.1.(b), 3.1.(c) and 3.2(d) of the Code of Conduct.

Allegation 3(e)

[REDACTED]

Allegation 3(f)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(e) proved as to fact, beyond reasonable doubt.

The Committee found Allegation 3(f) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(e) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED].

The Committee found Allegation 3(f) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(e) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

The Committee found Allegation 3(f) was proved, individually, to constitute professional

misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The Committee notes and accepts the uncontroverted evidence of [REDACTED] that, whilst kids may experience fever or feel off for a couple of days or have an idiosyncratic reaction, and whilst there is a risk of anaphylaxis or myocarditis (seen more in older children, teen groups), vaccines are safe in children and the benefits far outweigh the risks. Further, the Committee notes and accepts the evidence of [REDACTED] that the HPV Vaccine has clear benefits and that that vaccine is a very good vaccine, very safe and that it is not associated with long term problems.
4. In addition, the Committee considered and accepts the evidence of [REDACTED], the expert called on behalf of the Registrar that Allegation 3(e) and Allegation 3(f), if proved, each, individually, constituted professional misconduct. In particular, the Committee agree that the words "*this HPV vaccine is lethal*", i.e., stated in Allegation 3(e) constitutes a breach of paragraphs 3.1.(b), and 3.2(d) of the Code of Conduct as it spreads misinformation that may encourage people not to get the life-saving vaccine. Likewise, the Committee accepts the evidence of [REDACTED] in relation to Allegation 3(f) that the HPV vaccine can actually cause cancer is not scientifically proven and, when stated by a physiotherapist, could influence people's behaviour in their decision whether to get the vaccine and that the statement constitutes a breach of paragraphs 3.1. (b) and 3.2.(d) of the Code of Conduct. The Committee does not accept that either of the statements the subject of Allegations 3(e) and 3(f) constitute a breach of paragraph 4.1(b) of the Code of Conduct as the Committee is not satisfied that the statement was published in Social Media by the Respondent and notes that [REDACTED] opinion that Allegation 3(e) and 3(f), if proved, constitutes professional misconduct even if not a breach of paragraph 4.1(b) of the Code of Conduct.
5. Further, the Committee is satisfied, independent of the opinion of [REDACTED], that Allegations 3(e) and 3(f), each, individually, meet the seriousness threshold, and constitutes professional misconduct beyond reasonable doubt. When making each of the statements, the Respondent identified herself as a physiotherapist and so the words were spoken with reference to her status as a healthcare professional and, in relation to the statement the subject of Allegation 3(e), asserted that the HPV vaccine is lethal and, regarding the statement the subject of

Allegation 3(f) stated (while referring to the Covid-19 vaccine), that the HPV vaccine could cause cancer. These comments have no basis in science and constitute scaremongering. It is the Committee's view, again independent of the opinion of [REDACTED], that Allegation 3(e) and 3(f), each, individually constitute a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct.

Allegation 3(g)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(g) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(g) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(g), in combination with Allegation 2(a), 3(j) and 3(o), as proved, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-4 in relation to Allegation 2(a) above, which applies *mutatis mutandis* to the Committee's finding that allegation 3(g), in combination with Allegations 2(a), 3(j) and 3(o) to amount to Professional Misconduct.
2. The Committee accepts [REDACTED] evidence that Allegation 3(g) constitutes a breach of paragraphs 3.1.(b), 3.1.(c) and 3.2.(d) of the Code of Conduct and that, as an isolated finding, it is not sufficiently serious to constitute professional misconduct. However, the Committee is satisfied that Allegation 3(g), in combination with the findings of fact and breach of the Code in relation to Allegation 2(a), 3(j) and 3(o) constitutes professional misconduct. The uncontroverted evidence was that, in December 2020, the pandemic existed, and denying this, and characterising the pandemic as a conspiracy was baseless and irresponsible and had the risk of influencing her audience who could act on such misinformation and cause harm to public safety. In this respect, the Committee accepts the evidence of [REDACTED] [REDACTED] that the Corona Virus was designated by the World Health Organisation as a pandemic in March 2020 and that, on 11 March 2020, there were more than 118,000 cases in 114

countries (and thousands more fighting for their lives) and that the numbers fulfilled every criterion as a pandemic well before December 2020. In this respect, the Respondent submitted that, if an allegation proved as to fact, was not considered to constitute professional misconduct by reason that it was not serious, it would be inappropriate for the Committee to find the said allegation to constitute professional misconduct aggregate with other allegations, proved as to fact but not considered sufficiently serious in isolation to constitute professional misconduct. The Committee does not accept this submission in relation to Allegations 2(a), 3(g), 3(j) and 3(o), which the Committee finds to be sufficiently serious in combination to constitute professional misconduct. The said allegations, as found, consist of the Respondent questioning the existence of Covid-19 and/or the Pandemic and labelling it as a conspiracy. Taken together, the allegations constitute a series or pattern of assertions that mis-informed and/or potentially mis-informed the Respondent's audience, and this is especially so considering her statement the subject of Allegation 1(a), made on 29 June 2020 wherein she stated that she thought the virus was "real". In these circumstances, the Committee consider it appropriate to find that allegations 2(a), 3(g), 3(j) and 3(o) to constitute, in combination, to constitute professional misconduct as meeting the seriousness threshold.

Allegation 3(h)



Finding as to Fact

The Committee found Allegation 3(h) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(h) proved as to fact beyond reasonable doubt,



Finding as to Professional Misconduct

The Committee found Allegation 3(h) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.
3. The Committee notes and accepts the uncontroverted evidence of [REDACTED], the expert called on behalf of the Registrar that Allegation 3(h), if proved, individually, constitutes professional misconduct. The Respondent identified herself as a physiotherapist when making the comments and the statement the subject of Allegation 3(h) constitutes a breach of paragraphs 3.1.(b), 3.1.(c) and 3.2.(d) of the Code of Conduct by reason that the Respondent referred to her colleagues, which was not professional. The Committee does not accept that the statement the subject of Allegation 3(h) constitutes a breach of paragraph 4.1(b) as the Committee is not satisfied that the statement was published in social media by the Respondent and notes [REDACTED] opinion that Allegation 3(h), if proved, constitutes professional misconduct even if not a breach of paragraph 4.1(b).
4. Further, the Committee is satisfied, independent of the opinion of [REDACTED], that Allegation 3(h), individually, meets the seriousness threshold, and constitutes professional misconduct beyond reasonable doubt. The Committee note that the statement the subject of Allegation 3(h) was critical and disparaging of the Respondent's colleagues and further accepts the evidence of [REDACTED] that the Covid-19 was designated by the World Health Organisation as a Pandemic in March 2020 and that, on 11 March 2020, there were more than 118,000 cases in 114 countries (and thousands more fighting for their lives) and that the numbers fulfilled every criteria as a pandemic well before December 2020. Therefore, by making this statement, the Respondent suggested to her audience that the Covid-19 Pandemic was not right and that, listening to her colleagues, everything that was said she would consider to be unethical. It is the Committee's view, again independent of the opinion of [REDACTED] that Allegation 3(h), individually constituted a breach of paragraphs 3.1.(b), 3.1.(c) and 3.2.(d) the Code of Conduct.

Allegation 3(i)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(i) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(i) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED]
[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(i) was not proved to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-2 and 5-6 relation to Allegation 3(c) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 3(i) does not amount to Professional Misconduct.
2. The Committee does not consider Allegation 3(i), even if a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 3(j)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] ct.

Finding as to Fact

The Committee found Allegation 3(j) was proved, as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(j) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED]
[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(j), in combination with Allegations 2(a), 3(g) and 3(o), as

proved, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-4 in relation to Allegation 2(a) above, which applies *mutatis mutandis* to the Committee’s finding that allegation 3(j), in combination with allegations 2(a), 3(g) and 3(o) amounts to Professional Misconduct.
2. The Committee accepts [REDACTED] evidence that Allegation 3(j) constitutes a breach of paragraphs 3.1(b) and 3.2.(d) of the Code of Conduct and that, as an isolated finding, it is not sufficiently serious to constitute professional misconduct. However, the Committee is satisfied that Allegation 3(j), in combination with the findings of fact and breach of the Code in relation to Allegation 2(a), 3(g) and 3(o) constitutes professional misconduct. The uncontroverted evidence was that, in December 2020, the pandemic existed, and denying this, and characterising the pandemic as a conspiracy was baseless and irresponsible and had the risk of influencing her audience who could act on such misinformation and cause harm to public safety. In this respect, the Committee accepts the evidence of [REDACTED] [REDACTED] that the Corona Virus was designated by the World Health Organisation as a pandemic in March 2020 and that, on 11 March 2020, there were more than 118,000 cases in 114 countries (and thousands more fighting for their lives) and that the numbers fulfilled every criterion as a pandemic well before December 2020. In this respect, the Respondent submitted that, if an allegation proved as to fact, was not considered to constitute professional misconduct by reason that it was not serious, it would be inappropriate for the Committee to find the said allegation to constitute professional misconduct aggregate with other allegations, proved as to fact but not considered sufficiently serious in isolation to constitute professional misconduct. The Committee does not accept this submission in relation to Allegations 2(a), 3(g), 3(j) and 3(o), which the Committee finds to be sufficiently serious in combination to constitute professional misconduct. The said allegations, as found, consist of the Respondent questioning the existence of Covid-19 and/or the Pandemic and labelling it as a conspiracy. Taken together, the allegations constitute a series or pattern of assertions that mis-informed and/or potentially mis-informed the Respondent’s audience, and this is especially so considering her statement the subject of Allegation 1(a), made on 29 June 2020 wherein she stated that she thought the virus was “real”. In these circumstances, the Committee consider it appropriate to find that allegations 2(a), 3(g), 3(j) and 3(o) to constitute, in combination, to constitute professional misconduct as meeting the seriousness threshold.

Allegation 3(k)

[REDACTED]

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(k) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(k) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED]
[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(k) was not proved to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-2 and 5-6 relation to Allegation 3(c) above, which apply *mutatis mutandis* to the Committee's finding that allegation 3(k) does not amount to Professional Misconduct.
2. The Committee has considered the statement the subject of Allegation 3(k). The Committee is satisfied that this is an opinion-based statement and does not consider that it is sufficiently serious, whether a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct, to individually, collectively or cumulatively, constitute professional misconduct.

Allegation 3(l)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Finding as to Fact

The Committee found Allegation 3(l) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(l) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED]
[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(l) was not proved to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-2 and 5-6 relation to Allegation 3(c) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 3(l) does not amount to Professional Misconduct.
2. The Committee notes that the statement the subject of Allegation 3(l) speaks to masks in school asserting that it was to impose control in Ireland and in other countries. Whilst the Committee considers the comments to be misguided and highly charged, the evidence of [REDACTED] that the wearing of masks was an evolution of thinking and that there was a spectrum of opinion. In these circumstances, the Committee does not consider Allegation 3(l), as found, even if a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct, to be serious, individually, collectively or cumulatively, so as to constitute professional misconduct.

Allegation 3(m)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(m) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(m) proved as to fact beyond reasonable doubt, [REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(m) was not proved to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-2 and 5-6 relation to Allegation 3(c) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 3(m) does not amount to Professional Misconduct.
2. The Committee considers that the words spoken, the subject of Allegation 3(m) are disparaging of Messrs Luke O’Neill, Professor McConkey and Ryan but has no evidence as to whether the words spoken were correct and, in those circumstances, does not find Allegation 3(m) to be sufficiently serious, individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 3(n)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(n) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(n) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(n) was not proved to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-2 and 5-6 relation to Allegation 3(c) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 3(n) does not amount to Professional Misconduct.
2. The Committee considered the uncontroverted evidence of [REDACTED] when she states that “*flu vaccines are not 100% effective at preventing the flu but it does work and reduces the risk of serious illness, death and of contracting the flu*”. [REDACTED] accepted that

the flu is a virus that manages to change, mutate and that there are different flus each year or a combination of flus each year. In this respect, she stated that the World Health Organisation has two meetings each year, one to make their best estimate for what should be in the vaccine for the Southern Hemisphere and one for making their best estimate regarding modification each year. Based on the evidence of [REDACTED] it appears to the Committee that the Respondent is incorrect when she states that the flu vaccine has never worked. However, this is a view held by the Respondent, even if incorrect, and her expressing it appears to the Committee to arguably be an issue of debate.

3. Therefore, even if a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct, the finding in relation to Allegation 3(n) does not meet the seriousness threshold individually, collectively or cumulatively, to constitute professional misconduct.

Allegation 3(o)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(o) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(o) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(o), in combination with Allegations 2(a), 3(g), and 3(j) as proved, was proved as to professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-4 in relation to Allegation 2(a) above, which applies *mutatis mutandis* to the Committee's finding that allegation 3(o), in combination with Allegations 2(a), 3(g) and 3(j) to amount to Professional Misconduct.
2. The Committee accepts [REDACTED] evidence that Allegation 3(o) constitutes a breach of paragraphs 3.1(b), 3.1.(c) and 3.2.(d) of the Code of Conduct and that, as an isolated finding, it is not sufficiently serious to constitute professional misconduct. However, the Committee is satisfied that Allegation 3(o), in combination with the findings of fact and breach of the

Code in relation to Allegation 2(a), 3(g) and 3(j) constitutes professional misconduct. The uncontroverted evidence was that, in December 2020, the pandemic existed, and denying this, and characterising the pandemic as a conspiracy was baseless and irresponsible and had the risk of influencing her audience who could act on such misinformation and cause harm to public safety. In this respect, the Committee accepts the evidence of [REDACTED] that the Corona Virus was designated by the World Health Organisation as a pandemic in March 2020 and that, on 11 March 2020, there were more than 118,000 cases in 114 countries (and thousands more fighting for their lives) and that the numbers fulfilled every criterion as a pandemic well before December 2020. In this respect, the Respondent submitted that, if an allegation proved as to fact, was not considered to constitute professional misconduct by reason that it was not serious, it would be inappropriate for the Committee to find the said allegation to constitute professional misconduct aggregate with other allegations, proved as to fact but not considered sufficiently serious in isolation to constitute professional misconduct. The Committee does not accept this submission in relation to Allegations 2(a), 3(g), 3(j) and 3(o), which the Committee finds to be sufficiently serious in combination to constitute professional misconduct. The said allegations, as found, consist of the Respondent questioning the existence of Covid-19 and/or the Pandemic and labelling it as a conspiracy. Taken together, the allegations constitute a series or pattern of assertions that mis-informed and/or potentially mis-informed the Respondent's audience, and this is especially so considering her statement the subject of Allegation 1(a), made on 29 June 2020 wherein she stated that she thought the virus was "real". In these circumstances, the Committee consider it appropriate to find that allegations 2(a), 3(g), 3(j) and 3(j) to constitute, in combination, to constitute professional misconduct as meeting the seriousness threshold.

Allegation 3(p)

[REDACTED]

Finding as to Fact

The Committee found Allegation 3(p) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(p) proved as to fact beyond reasonable doubt, [REDACTED]

[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(p) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(q) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED]
[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(q) was not proved as professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-2 and 5-6 relation to Allegation 3(c) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 3(q) does not amount to Professional Misconduct.
2. The Committee considered the statement the subject of Allegation 3(q) but has no evidence as to whether NPHET had virologists advising them. Otherwise, the statement expresses the Respondent’s view that linguistics and hypnosis is being used and it does not occur to the Committee that these words are sufficiently serious, even if a breach of paragraphs 3.1.(b) and 3.2.(d) of the Code of Conduct, individually, collectively, or cumulatively, to consider professional misconduct.

Allegation 3(r)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Finding as to Fact

The Committee found Allegation 3(r) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(r) proved as to fact beyond reasonable doubt, [REDACTED]
[REDACTED]
[REDACTED]

Finding as to Professional Misconduct

The Committee found Allegation 3(r) was not proved as professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee relies on the reasoning as set out paragraphs numbered 1-2 and 5-6 relation to Allegation 3(c) above, which apply *mutatis mutandis* to the Committee’s finding that allegation 3(r) does not amount to Professional Misconduct.
2. The Committee considered the statement the subject of Allegation 3(r), which is simply commentary by the Respondent as to the politics within Ireland and how it is been influenced by China, which she connects to the Covid-19 Pandemic. The Committee does not consider Allegation 3(r) to be sufficiently serious, even if a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct, individually, collectively, or cumulatively, to consider professional misconduct.

Allegation 3(s)

[Redacted]

Finding as to Fact

The Committee found Allegation 3(s) proved as to fact, beyond reasonable doubt.

Reasons:

The Committee found Allegation 3(s) proved as to fact beyond reasonable doubt, [Redacted]

Finding as to Professional Misconduct

The Committee found Allegation 3(s) was proved, individually, to constitute professional misconduct beyond reasonable doubt.

Reasons:

1. The Committee accepts that the Respondent is entitled to hold opinions and to express those opinions in a free democratic State.
2. The Committee accepts that this right to free speech is not absolute and, as a physiotherapist and healthcare professional, the Respondent has a responsibility to express her opinions in a

responsible way and in a manner that does not risk misinforming her audience. Her opinions must have a basis in fact and/or science. Any misinformation has the risk of wrongly influencing her audience, which may have serious consequences in the context of a pandemic.

3. The Committee considered and accepts the uncontroverted evidence of [REDACTED] wherein she states that the statement that the Covid 19 vaccine is a vaccine that is going to damage our DNA is quite frightening and may influence people's behaviour and their thoughts on whether to take the vaccine and that it was not based on any real understanding of the science such that it constituted a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct. As regards allegation 3(s), [REDACTED] was tested in cross-examination that earlier versions of her report (stated as allegation 3(t) in those earlier reports) stated that Allegations 3(s) did not constitute professional misconduct. [REDACTED] clarified the matter in her *viva voce* evidence stating that this was inadvertence but that she always considered allegation 3(s) to constitute professional misconduct and the Committee accepts this to be the case. The Committee does not accept that the statements the subject of Allegation 3(s) constitutes a breach of paragraph 4.1(b) of the Code of Conduct as the Committee is not satisfied that the statements published in Social Media by the Respondent and notes that [REDACTED] opinion that Allegation 3(s), if proved, individually, constitutes professional misconduct even if not a breach of paragraph 4.1(b) of the Code of Conduct.
4. Further, the Committee is satisfied, independent of the opinion of [REDACTED] that Allegation 3(s), individually met the seriousness threshold and constitutes professional misconduct beyond reasonable doubt. The statement the subject of Allegation 3(s), namely that the Covid-19 vaccine is something that will damage a person's DNA, is frightening and has the potential to influence those listening in circumstances where the comments made by the Respondent were made as a physiotherapist. For this reason, the comments have the potential to misinform and to determine the behaviour and decision of those that might take the vaccine, which was a significant part of the fight against the Pandemic. It is the Committee's view, again independent of the opinion of [REDACTED] that Allegation 3(s), individually, constitutes a breach of paragraphs 3.1(b) and 3.2(d) of the Code of Conduct.

Other matters relating to the Respondent that the Committee considers is appropriate to specify: -

The Committee recommends that the Council impose the Sanction of a censure pursuant to s.66(1)(a) of the Act.

Rationale for Sanction

1. The Committee has made findings that Allegations 1(c), 2(f), 3(a)-(b), 3(d)-(f), 3(h), 3(p) and 3(s) are each, individually, proved as to fact and are each, individually, proved as to professional misconduct. Further, the Committee has found Allegations 2(a), 3(g), 3(j) and

3(o) are each, individually, proved as to fact and, in combination, are proved as to professional misconduct.

2. The findings are serious and include the Respondent, identifying herself as a physiotherapist, and being a healthcare professional, misinforming the public regarding the Covid-19 Pandemic and regarding the measures aimed at preventing the spread of Covid-19 and the treatment of Covid 19. The statements misinformed or risked misinforming her audience regarding the existence and/or prevention of Covid-19 and constituted scaremongering regarding those issues. Further, the Respondent's statements, the subject of the findings occurred on three different dates during an approximate six-month period and during a public health crisis such that the statements were irresponsible and caused risk to the public.
3. Except for the limited insight shown by the Respondent by admitting The 29 June 2020 Transcript, The 19 December 2020 Transcript and The 27 December 2020 Transcript (and thereby admitting that the statements therein contained were made by her), the Respondent expressed little or no remorse and the Committee have no comfort that she understood the seriousness of the statements the subject of the Committee's findings, and it does not appear that the Respondent has taken any remedial measures to ensure that such conduct would not be repeated. This goes to the risk that the Respondent might repeat the conduct, albeit the Committee is satisfied that the behaviour occurred in the specific context of the Covid-19 pandemic, which has passed.
4. In recommending the Sanction of censure, the Committee has considered the following matters, including mitigating factors:-
 - (a) Whilst the statements, the subject of the findings were made by the Respondent, having identified herself as a physiotherapist, she was expressing her views outside the physiotherapy context. Whilst this does not take away from the seriousness of the misconduct, the Committee does consider that this, and the fact that the uncontroverted evidence was that she was Covid-19 compliant within her workplace, means that the recommended sanction should be as lenient as appropriate.
 - (b) The Covid 19 Pandemic was a time of great uncertainty and there was considerable public discourse as regards the Pandemic, the preventative measures introduced and the safety and effectiveness of vaccines. Whilst this public discourse could not justify the statements made by the Respondent as found, they do put the comments in context. In recommending a sanction, the Committee give the Respondent the benefit of this context, and note that the Covid-19 Pandemic has largely passed so that any risk to the public regarding the Respondent's comments, which were specific to Covid-19, is minimum.

c) The uncontroverted evidence from [REDACTED] that the Respondent was a good and conscientious physiotherapist and healthcare professional and the Committee consider it appropriate to give her credit for this, and for the fact that she has had a blemish free career prior to these allegations.

5. In recommending sanction, the Committee has considered the following:-

- (a) The findings went to public safety albeit in the context of the Covid-19 Pandemic, which has largely passed.
- (b) The sanction highlights to the Respondent the serious view taken of the extent and nature of the misconduct to deter the Respondent from been likely to be guilty of similar or like conduct in the future.
- (c) The recommended sanction of censure points to the gravity of professional misconduct to other members of the profession thereby upholding the reputation of the profession and maintaining public confidence in the profession and the regulatory process and for the purpose of declaring and upholding professional standards.
- (d) The Committee considers the sanction of censure to be the most lenient and appropriate, in circumstances where the Respondent has shown limited insight.
- (e) The Committee considers the recommended sanction to be proportionate as it balances the seriousness of the misconduct, the mitigating circumstances identified above and allows the Respondent to continue working in her chosen profession. The Committee did not consider admonishment as appropriate or proportionate, in circumstances where the conduct was of a serious nature and was repeated on numerous occasions.

6. In recommending sanction, the Committee has considered the *CORU Sanctions Guidance Notes* including the factors to be considered in imposing (and in the case of the Committee) recommending sanction, including the sanction of censure.

Signed 
Georgina Farren Chairperson

Date 5 January 2024