



NOTICE OF SURRENDER – Adam Bogar

By decisions of the Inquiries, Complaints and Reports Committee dated January 22, 2014 and July 28, 2014 Mr. Adam Bogar was referred to the Discipline Committee of the College of Massage Therapists of Ontario (the “College”) in relation to allegations of professional misconduct. The Notice of Hearing dated September 11, 2014 set out the following specified allegations of professional misconduct:

1. Between April 2011 to September 2012, Mr. Bogar issued and/or ordered his staff to issue on his behalf approximately 121 false or misleading receipts/invoices totalling approximately \$7,346.19:
 - i. Including 32 receipts/invoices totalling \$1,882.44 showing that clients had received chiropractic treatments when they had not been treated by a chiropractor.;
 - ii. Including 89 receipts/invoices totalling \$5,463.75 showing that clients had received physiotherapy treatment when they had not been treated by a physiotherapist; and
 - iii. Including receipts/invoices showing that a client and his spouse had received services that were actually provided to other clients.

- 2) In 2011 and 2012, Mr. Bogar did not keep any treatment records for many of the clients he treated.

- 3) The conduct described above constitutes professional misconduct pursuant to Section 26 of Ontario Regulation 544/94 made under the *Massage Therapy Act, 1991*, S.O. 1991, c. 27 (the “*Professional Misconduct Regulations*”) to include:
 1. Failing to maintain Standards of Practice;
 2. Falsifying a record;
 3. Knowingly signing or issuing a false or misleading document;
 4. Contravening the Act, the *Regulated Health Professions Act* or the regulations made thereunder);
 5. Failing to maintain records as required;
 6. Engaging in disgraceful, dishonourable or unprofessional conduct) and/or;
 7. Engaging in conduct unbecoming a massage therapist) of

The second Notice of Hearing dated September 11, 2014 set out the following specified allegations of professional misconduct:

1. Mr. Bogar is not and, at all material times, was not a member of the College of Chiropractors of Ontario, the College of Physiotherapists of Ontario, or the College of Physicians and Surgeons of Ontario.
2. Mr. Bogar performed the controlled act of “moving the joints of the spine beyond the individual’s usual physiological range of motion using a fast, low amplitude thrust” contrary to section 27 of *Regulated Health Professions Act, 1991*:
 - a. on one client, on numerous occasions between approximately June 2011 and approximately June 2012; and
 - b. on another client, on numerous occasions between approximately December 2010 and approximately September 2012.
3. Between approximately January 2010 and October 2012, Mr. Bogar displayed a business card that falsely indicated that he held a Bachelor of Health Sciences degree (BHSc.) and that he had the designation of a “Sport Massage Therapist” (SMT).
4. Mr. Bogar misled the College when he advised the College’s investigator that he had contacted clients about correcting inaccuracies in their receipts/invoices when he had not done so.
5. Mr. Bogar misled the College when he provided the College with receipts/invoices that he purported to have issued and/or ordered his staff to issue on his behalf to his clients. Mr. Bogar fabricated portions of those receipts/invoices and did not advise the College he had done so. The fabricated entries contained false and/or misleading information, including receipts/invoices that had been issued to two of Mr. Bogar’s clients.
6. Mr. Bogar misled the College when he advised the College’s investigator that the receptionist had prepared false and/or misleading receipts/invoices and other billing records without his knowledge or direction. Mr. Bogar also misled the College when he advised the College’s investigator that he had disciplined one of his former receptionists for doing so.
7. Mr. Bogar misled the College when he advised the College’s investigator that he had not treated an individual when in fact he was not his client.
8. Mr. Bogar misled the College when, in response to the request by the College’s investigator to provide him with a copy of receipts/invoices and other billing records, Mr. Bogar advised the College’s investigator that they were in the possession of his bookkeeper when they were actually in Mr. Bogar’s possession.

9. Mr. Bogar misled the College when, in response to the request by the College's investigator to provide him with a copy of Mr. Bogar's treatment notes, Mr. Bogar advised the College's investigator that they were in electronic form and located on his home laptop computer when many of those notes did not exist.
10. Mr. Bogar misled the College when he provided the College's investigator with a letter from a physiotherapist that he had altered and did not advise the College that he had done so. The alterations included removing contact information for the physiotherapist and her clients.
11. By engaging in the behaviour described in paragraphs 4 to 10 above, Mr. Bogar obstructed the College's investigator contrary to subsection 76(3) of the *Regulated Health Professions Procedural Code* ("The Code"), and failed to cooperate with the College investigation, contrary to subsection 76(3.1) of the *Code*.
12. The conduct described above constitutes several acts of professional misconduct pursuant to section 26 of Ontario Regulation 544/94 made under the *Massage Therapy Act, 1991*, S.O. 1991, c. 27 (the "*Professional Misconduct Regulations*"), to include:
 - a) Failing to reasonably ensure information provided to the College is accurate;
 - b) Failing to cooperate during an inspection of records;
 - c) Falsifying a record relating to the member's practice;
 - d) Knowingly signing or issuing a false or misleading document;
 - e) Contravening the Act, the *Regulated Health Professions Act* or the regulations made thereunder),
 - f) Inappropriately using a term, title or designation;
 - g) Engaging in disgraceful, dishonourable or unprofessional conduct, and/or;
 - h) Engaging in conduct unbecoming a Massage Therapist.

On August 24, 2015, Mr. Bogar resigned his registration with the College of Massage Therapists of Ontario and forever withdraw from the practice of Massage Therapy as a Massage therapist in the province of Ontario, or elsewhere in Canada and the United States or any other jurisdiction in exchange for the College stay of the discipline proceedings pending any breach of the Undertaking by Mr. Bogar.

A stay of proceedings is a decision by a panel of the Discipline Committee that suspends indefinitely the discipline hearing. A panel of the Discipline Committee can subsequently lift the stay and resume the disciplinary proceedings in the event there is a breach of any of the terms as set out below.

Mr. Bogar agreed to publication of the Acknowledgement and Undertaking provided to the College in its entirety attached as Undertaking of Adam Bogar dated August 24, 2015 [Surrender Agreement Bogar.pdf](#)